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UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

In re:		SECOND AMENDED
	JAMIE LYNN GALLIAN	CASE NO. 8:21-bk-11710-SC
		Adv. 8:21-ap-01096-SC
	Debtor,	Chapter 7
JANINE JASSO		DEFENDANTS' REQUEST FOR
		EXTENSION OF TIME TO FILE
	Plaintiff,	NOTICE OF APPEAL.
	vs.	
JAMIE LYNN GALLIAN		
	Defendant	

**TO THE HONORABLE SCOTT C. CLARKSON, UNITED STATES
BANKRUPTCY JUDGE, PLAINTIFF, JANINE JASSO, THE OFFICE OF THE**

1 UNITED STATES TRUSTEE, THE TRUSTEE AND HIS COUNSEL, AND ALL
2 PARTIES IN INTEREST.
3

4 JAMIE LYNN GALLIAN hereby respectfully request extension of time to file Notice
5 of Appeal JOINTLY related to ECF 63, Opposition Amended BY ECF 75
6 11.21.2023, FILED AND SERVED BEFORE TIME OF COURT ORDER STATED
7 TIME EXPIRED. Motion To Dismiss hearing is directly related to hearing held on
8 December 13, 2022, (without allowing Oral Argument) and Hearing on Motion To
9 Dismiss Complaint set for January 10, 2023, concerning Order entered
December 21, 2022, 21:26:44 PM regarding the following issues.

10 Page 77- “The Court has received and reviewed Defendant’s reply filed 1/6/23 [Dk. 96],
11 *and notes that it raises new arguments regarding FRBP 4007 that were not*
12 *raised in Defendant’s motion to dismiss in the first instance.* Pursuant to LBR
13 9013-1(g)(4), [n]ew arguments or matters raised for the first time in reply
documents will not be considered. Moreover, Defendant admitted that the complaint
was timely in her answer filed 12/17/21 [Dk. 18; paragraph 4].

14
15 Defendant’s Motion To Dismiss ECF 63, and Defendant’s AMENDED Opposition
16 ECF 75 filed November 21, 2022, BOTH attached for the Courts Convenience
17 and Reference. Specifically, Debtor will raise at Oral Argument if the Honorable
18 Court permits, Debtor will draw the Court’s
19 attention to Debtor’s Notice of Motion page ii, Line 10-12, giving notice of
debtor’s objection to Complaint Doc -3 filed after the time to object to discharge
under 4007, therefore was ineffective and late.

20 Additionally under MEMORANDUM OF POINTS & AUTHORITIES, again ECF
21 63 and ECF 75, if granted Oral Argument Debtor will draw the Court’s attention to
22 Memorandum Of Points & Authorities, page iv, Line 16-27, giving notice of
23 debtor’s objection to Complaint ECF 1, ECF 3,& ECF FAC 16 filed after the time
to object to discharge under 4007, therefore was ineffective and late.

24 Debtor’s Reply to Plaintiff’s Response, ECF 96, thoroughly expounded on this
25 Argument citing legal authority and case law, concerning the issue first raised in
26 the Motion to Dismiss ECF 63 and ECF 75 Opposition filed November 21,
27 2022; defects appearing on the face of each Complaint,
28 ECF 1, ECF 3, and ECF 16 and in the Court’s Docket.

1 I declare under penalty of perjury the foregoing statement is true and correct.
2 Signed this 10th day of January, 2023 at Huntington Beach, CA Co of Orange.

3
4 Dated: 1/10/23

Jamie Lynn Gallian
JAMIE LYNN GALLIAN, Defendant

MEMORANDUM POINTS & AUTHORITIES

BACKGROUND

On July 9, 2021, Defendant initiated the underlying bankruptcy case by filing a voluntary petition for relief under Chapter 7 of the Bankruptcy Code, 11 U.S.C. In re JAMIE LYNN GALLIAN No. 8:21-bk-11710-SC, (ECF. 1).

On Schedule E/F to her bankruptcy petition Defendant listed Plaintiff as one of six creditor(s) in addition to The Huntington Beach Gables Homeowners Association all claiming some interest in the same (1) nonpriority unsecured claim of \$ 46,138.00. Debtor listed Plaintiff as follows: “Janine Jasso, c/o Huntington Beach Gables Homeowners Association No. 8:21-bk-11710-SC, ECF 1 at 26 (internal paginations, Schedule E/F at 3/11, creditor 4.6). On the same day, July 9, 2021, Defendant also filed a Verification of Master Mailing List of Creditors [LBR 1007-1(d)], certifying that the master mailing list of creditors filed in the bankruptcy case was complete, correct, and consistent with the Defendant's schedules. No. 8:21-bk-11710-SC, ECF 1 at 56. Debtor listed Plaintiff Janine Jasso P.O. Box 370161 El Paso, TX 79937.

On July 9, 2021, the court filed and entered an Official Form 309A, “Notice of Chapter 7 Bankruptcy Case — No Proof of Claim Deadline,” ECF. 7 which stated in bold “This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read all pages carefully.” No. 8:21-bk-11710-SC, ECF. 7 at 3/5.

The Official Form 309A, Notice of Chapter 7 Bankruptcy Case, also stated that “Creditors who assert that the debtors are not entitled to a discharge of any debts or who want to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadlines

1 specified in this notice, (See line 9 for more information.)[.]” Id. Line 6 of Official
2 Form 309A, Notice of Chapter 7 Bankruptcy Case, listed the address, operating
3 hours and contact phone number for the Bankruptcy Court Clerk's office with an
4 explanation that “Documents in this case may be filed at this address.” Id. at 4.
5 Line 7 of the Official Form 309A, Notice of Chapter 7 Bankruptcy Case, under the
6 heading “Meeting of Creditors,” stated the date of the meeting of creditors in bold:
7 “August 18, 2021 at 9:00 a.m.” Id. Line 9 of the Official Form 309A, Notice of
8 Chapter 7 Bankruptcy Case, under the heading “Deadlines,” stated in bold: “File
9 by the deadline to object to discharge or to challenge whether certain debts are
10 dischargeable: ... Filing deadline: 10/18/21.” Id.¹ Thus, the Official Form 309A,
11 Notice of Chapter 7 Bankruptcy Case, stated that the 11 U.S.C. § 341(a) Meeting
12 of Creditors was scheduled for August 18, 2021, and objections for discharge had
13 to be filed no later than October 18, 2021. Id. (emphasis added).

14
15 On July 9, 2021, the court filed and entered the Master Mailing List of
16 Creditors on the case docket, and included therein was: “Janine Jasso, c/o Gordon
17 Rees Skully & Masukhani, 633 W. 5th Street, 52nd Floor, Los Angeles, CA 90071-
18 2005; Janine Jasso P.O. Box 370161, TX 79937-0161 No. 8:21-bk-11710-SC, ECF
19 7 (listing 36 total creditors).

20
21 On July 11, 2021, the Bankruptcy Noticing Center filed and entered its
22 Certificate of Notice, ECF 7, attesting that the Official Form 309A, Notice of
23 Chapter 7 Bankruptcy Case, ECF 15, was served on all creditors, including Janine
24 Jasso. ECF 7 at 1.

25 According to the Certificate of Notice, the Bankruptcy Noticing Center served the
26 Official Form 309A, Notice of Chapter 7 Bankruptcy Case, ECF 7, on “Janine
27 Jasso, P.O. Box 370161, TX 79937-0161” and a second address
28

1 “Janine Jasso c/o Gordon Rees Skully & Masukhani, 633 W. 5th Street, 52nd Floor,
2 Los Angeles, CA 90071-2005 “ both by first class mail on July 11, 2021. Id.
3

4 On October 18, 2021, Plaintiff filed her “Complaint for Determination of
5 Dischargeability and Objecting to Debtor’s Discharge Pursuant to Sections 523
6 And 727 of the Bankruptcy Code.” ECF 1 (the “Complaint”). The face of the
7 Complaint indicated that Plaintiff was filing it as “Plaintiff, In Pro Per” Id. The
8 Complaint was filed un-signed, without an original wet signature. Plaintiff dated
9 the Complaint October 18, 2021. Id. at 14. The face of the complaint is stamped
10 FILED, Clerk U.S. Bankruptcy Court Central District of California BY: (No
11 initials were noted) by Deputy Clerk.
12

13 A Proof of Service F 901303.1.PROOF.SERVICE was attached to the
14 Complaint, Id 91. The Proof of Service contained the address of party over the age
15 of 18 and not a party to this bankruptcy case or adversary proceeding as
16 3250 Fairesta Street, La Crescenta, CA 90214.
17

18 Section 2 of F 9013-3.1.Proof .Service, states: On (date) 10/18/2021, I
19 served the following persons and/or entities at the last known address in this
20 bankruptcy case or adversary proceeding by placing a true and correct copy thereof
21 in a sealed envelope in the United States mail, first class, postage prepaid, and
22 addressed as follows. Listing the judge here constitutes a declaration that mailing
23 to the judge will be completed no later than 24 hours after the document is filed.
24 Hon. Erithe A. Smith United States Bankruptcy Court Central District of California
25 Ronald Reagan Federal Building 411 West Fourth Street, Suite 5040/Courtroom
26 5A, Santa Ana, CA 92701-4593.
27
28

1 The debtor is not listed on the Proof of Service of Document. ECF 91. Request
2 Judicial Notice. An Adversary Proceeding Cover Sheet is attached 1 of 2.
3 However, the Cover Sheet is not signed nor dated by Plaintiff, and Page 2 of the
4 Cover Sheet is not attached. Request Judicial Notice.

5 On October 19, 2021, Plaintiff filed an "Original signature page to
6 Complaint and Adv. Cover Sheet"; (Attachments: # 1 Original Signature Page to
7 Adv Cover Sheet. (Entered: 10/19/2021) ECF 3

8 The identical 10/18/2021 Proof of Service F 901303.1.PROOF.
9 SERVICE was attached to the 10/19/2021 ECF 3, Complaint, Id 91. The Proof of
10 Service contained the address of party over the age of 18 and not a party to this
11 bankruptcy case or adversary proceeding as 3250 Fairesta Street, La Crescenta, CA
12 90214.

13 Section 2 of F 9013-3.1.Proof.Service states: On (date) 10/18/2021, I served
14 the following persons and/or entities at the last known address in this bankruptcy
15 case or adversary proceeding by placing a true and correct copy thereof in a sealed
16 envelope in the United States mail, first class, postage prepaid, and addressed as
17 follows. Listing the judge here constitutes a declaration that mailing to the judge
18 will be completed no later than 24 hours after the document is filed.

19 Hon. Erithe A. Smith United States Bankruptcy Court Central District of California
20 Ronald Reagan Federal Building 411 West Fourth Street, Suite 5040/Courtroom
21 5A, Santa Ana, CA 92701-4593.

22 Again, as noted above the debtor again is not listed on the Proof of Service
23 of Document. ECF 3. An Adversary Proceeding Cover Sheet attached 1 of 2 filed
24 10/19/2021, ECF 3-1.

1 The “Title Page” of Plaintiff’s Adversary Complaint, ECF 1 and ECF 3,
2 indicate JANINE JASSO, an individual, Plaintiff v. JAMIE LYNN GALLIAN, an
3 individual; and DOES 1 through 100, inclusive, Defendants.

4
5 Plaintiff’s Adversary Complaint, ECF 1 and ECF 3, Title Page, indicate JANINE
6 JASSO, an individual, Plaintiff v. JAMIE LYNN GALLIAN, an individual; and
7 DOES 1 through 100, inclusive, Defendants.

8 The following list is as stated in ECF 1 and ECF 3:

9 Plaintiff First Cause of Action.....(Against JAMIE LYNN GALLIAN and DOES
10 1 Through 100)

11 Plaintiff Second Cause of Action.....(Against JAMIE LYNN GALLIAN and
12 DOES 1 Through 100)

13 Plaintiff Third Cause of Action.....(Against JAMIE LYNN GALLIAN and DOES
14 1 Through 100)

15 Plaintiff Fourth Cause of Action.....(Against JAMIE LYNN GALLIAN and
16 DOES 1 Through 100).

17 On October 26, 2021, Defendant’s Answer to Complaint. ECF 4.

18 On October 27, 2021, Defendant refiled her Answer to Complaint with
19 Affirmative Defenses. ECF 5.

20 Debtor requests the Court take judicial notice of an Officer of the Court, Janine
21 Jasso perjured statements on ECF 91, page 8, Line 6-7. “Debtor answered
22 Plaintiff’s FAC on December 10, 2021. See DK 13” “Debtor could have made a
23 timely motion to dismiss before she answered the complaint.” “Plaintiff has done
24 months of discovery for this case based on Debtor’s bankruptcy schedules prior to
25 the filing of the FAC and Debtor’s defenses listed in her DK 13 Answer, including
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27
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1 obtaining Debtor and the Defendant J-PAD, LLC (“JP LLC”) and Defendant J-
2 SANDCASTLE CO LLC (“JSC LLC”) (collectively “Defendant LLCs”) bank,
3 investment, and real property records from multiple government and private
4 companies.”

5 Debtor just has one question for Plaintiff...Then why if you did “months of
6 discovery for this case based on Debtor’s bankruptcy schedules prior to the filing
7 of the FAC” does the FAC not contain one Cause of Action against J-Pad LLC or
8 J-Sandcastle Co LLC? And it has to be said, why would Plaintiff file Default
9 Summary Motion including 1691 pages when no Cause of Action was stated in
10 ECF 6 against J-Pad, LLC or J-Sandcastle Co LLC.

12 On November 16, 2021, Plaintiff filed her “First Amended Complaint For
13 Determination of Dischargeability and Objecting to Debtor’s Discharge Pursuant
14 to Sections 523 And 727 of the Bankruptcy Code.” ECF 6-1 (the “FAC
15 Complaint”). The face of the Complaint indicated that Plaintiff was filing it as
16 “Plaintiff . In Pro Per” Id.

18 The “Title Page” Plaintiff’s First Amended Complaint, ECF 6, reads as
19 JANINE JASSO, an individual, Plaintiff

20 v.

21 JAMIE LYNN GALLIAN, an individual; J-PAD, LLC, a California Limited
22 Liability Company, J-Sandcastle Co LLC, A California Limited Liability
23 Company, and DOES 1 through 100, inclusive, Defendants.
24

1 Plaintiff's First Amended Complaint ECF 6:

2 Plaintiff First Cause of Action.....(Against JAMIE LYNN GALLIAN and DOES
3 1 Through 100)

4 Plaintiff Second Cause of Action.....(Against JAMIE LYNN GALLIAN and
5 DOES 1 Through 100)

6 Plaintiff Third Cause of Action.....(Against JAMIE LYNN GALLIAN and
7 DOES 1 Through 100)

8 Plaintiff Fourth Cause of Action.....(Against JAMIE LYNN GALLIAN and
9 DOES 1 Through 100).

10 There are [NO] Causes of Action asserted against J-Pad, LLC or J-Sandcastle Co
11 LLC in the Operative Complaint filed without Leave of Court. ECF 6

12 On September 20, 2022. Plaintiff filed Notice of Motion and Motion
13 To Strike Answers Filed Defendants J-Pad, LLC, And J-Sandcastle Co LLC;
14 Memorandum Of Points And Authorities In Support Thereof. ECF 40

15 On October 25, 2022, the Court held a hearing on Ms. Jasso's MOT to Strike
16 the Answer(s) of J-Pad, LLC and J-Sandcastle Co LLC completed and filed by
17 JAMIE LYNN GALLIAN, the Debtor

18 Debtor believed she was required to file an Answer. The Chapter 7 was
19 filed on behalf of Jamie Lynn Gallian. Neither J-Pad, LLC nor J-Sandcastle Co
20 LLC have filed for bankruptcy.

21 Debtor was unaware of the hearing of October 25, 2022, therefore was not in
22 attendance. More interestingly Plaintiff, Janine Jasso, the Moving party did not
23 appear at the hearing October 25, 2022. Ms. Jasso's Motion to Strike J-Pad LLC
24 and J-Sandcastle Co LLC Answer(s) was noted by the Court as [Unopposed].
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1 Debtor has never been absent during any Court hearing in debtor's Chapter 7, in
2 the almost 20 months this Chapter 7 case has continued on. Debtor was in
3 complete shock after reviewing the Courts Tentative Ruling Calendar October 25,
4 2022, and realize she was absent.

5 On November 2, 2022, Order Granting (Janine Jasso) Plaintiff's Motion To
6 Strike The Answers Of Defendant's J-Pad And J-Sandcastle Co LLC And Entry of
7 Default. IT IS ORDERED: The Motion is Granted. The Answers Filed By
8 Defendant J-Pad Are Stricken From The Record (Docket 16 And 17). The
9 Answers Filed By Defendant J-Sandcastle Co LLC Are Stricken From The Record
10 (Docket Nos.)14, 15, And 18.

12 In Accordance With These Orders, The Court Further Orders The Clerk To Enter
13 The Default of Defendant, J-Pad, LLC And Enter The Default Of Defendant, J-
14 Sandcastle Co. LLC. (BNC-PDF) Related Doc 40.

15 On the Debtor's mind this evening...Plaintiff asserted [NO] Causes of
16 Action against J-Pad LLC and J-Sandcastle Co LLC in Plaintiff's First Amended
17 Complaint ECF 6, filed without obtaining leave of court; and also an FAC that
18 does not relate back to ECF 1 and/or ECF 3 and added new Defendants no less.
19 However, on November 8, 2022, Defendant filed her "Motion for Dismissal of
20 Adversarial Proceedings Filed by Plaintiff Janine Jasso against Debtor Jamie Lynn
21 Gallian." ECF 63. According to the proof of service of the Motion, Robert
22 McLelland, served a copy of the Motion upon Janine Jasso, Esq. by Email
23 j9_jasso@yahoo.com on November 8, 2022. ECF 64.

25 On November 21, 2022, Debtor's Third Amended Opposition was filed (ECF 75)
26 Notice of Motion For: Motion To Dismiss Adversary Complaint: 1. Determine Dis
27 chargeability of Civil Attorney Fees Debt Separate and Aside Of Fees/Fine Pursuant
28 To Section 523(A)(7); Argument Presented In

1 Concurrent MSJ For Dismissal Of 1st Cause Of Action Section 523(a)(7); 2. To
2 Determine Nondischargeability Of Debt Pursuant To 11 U.S.C. Section
3 523(a)(2)(A); 3. For Denial Of Discharge Pursuant To 11 U.S.C. 727(a)(3); 4.
4 For Denial Of Discharge Pursuant To 11 U.S.C. 727(a)(4); 5. For Denial Of
5 Discharge Pursuant To 11 U.S.C. 727(a)(5). According to the Proof of Service of
6 the Motion, Robert McLelland, served a copy of the Motion upon Janine Jasso,
7 Esq. by Email j9_jasso@yahoo.com on November 21, 2022. ECF 75.

9 On December 2, 2022, the Court on its own Motion, Order Continuing
10 Hearing On Motion To Dismiss. IT IS ORDERED. The Hearing On Debtor's
11 Motion To Dismiss Complaint filed November 8, 2022, (Docket 63) Is Hereby
12 CONTINUED TO JANUARY 10, 2023, AT 1:30 P.M. In Courtroom 5C. Any
13 Response Is Due 14 Days Prior To The Hearing. Replies are Due 7 Days Prior To
14 The Hearing. (BNC-PDF). Signed on 12/2/2022. On December 4, 2022,
15 Defendant received by email at jamiegallian@gmail.com, BNC Certificate of
16 Notice – PDF Document. (RE: related document(s) 79 Order. Immediately after
17 becoming aware of the BNC Certificate of Notice, Ms. Gallian decided to error on
18 the side of caution because of uncertainty of not knowing whether it was Debtor's
19 responsibility to give Notice of the Continued Hearing on her Motion to Dismiss
20 ECF 63, attached the BNC Order ECF 79, to Notice Of Motion For: (1) Motion To
21 Dismiss Adversary Complaint (Doc 63), Filed 11/8/2022 (2) Order Filed &
22 Entered Dec. 2, 2022 Continuing Hearing On Motion To Dismiss Is Attached for
23 The Convenience Of The Court And The Parties. According to the Proof of
24 Service of the Motion, Robert McLelland, served a copy upon Janine Jasso, Esq.
25 by Email j9_jasso@yahoo.com on Dec 4, 2022. ECF 82, 83. However prior to BNC
26 Order ECF 79, Plaintiff was served with the Defendants 3rd Amended Motion to
27 Dismiss Complaint prior to the expiration of time 11.21.2023. The BNC Notice
28

referenced ECF 63 only.

1 Plaintiff was Ordered on December 2, 2022, through the BNC Certificate of
2 Notice-PDF ECF 80, stating “Any Response is Due 14 days Prior To The Hearing”,
3 (which was December 27, 2022), and was the deadline for Plaintiff to file and
4 serve any written opposition to the Motion pursuant to Local Bankruptcy Rule
5 9013-1(f)(1). Debtor’s Reply is due 7 days prior to the hearing.
6

7 As reflected on the case docket for this adversary proceeding, Plaintiff did
8 not file a written opposition to the 3rd Amended Motion To Dismiss ECF 75
9 Motion by this date. Debtor has not had the appropriate time to respond to a myriad
10 of excuses Plaintiff presents belied by the
11 fact Plaintiff filed 5 Documents, (ECF 89, ECF 90, ECF 91, ECF 94, ECF 95
12 consisting of 1,691 pages all during the time of plaintiff alleged claim she is sick,
13

14 Plaintiff self-reported and admitted in her Response ECF 91, page 4, Line
15 19-20, to having knowledge of Debtor’s Motion to Dismiss in early December and
16 admitted to receiving BNC Certificate of Notice – PDF (mailed to the address in
17 the Master Listing, 7/11/2021, BNC Certificate of Notice, ECF 7, Plaintiff’s P.O.
18 Box).

19 “I received something from the court [sic] in December, which did not
20 include any pleadings attached, regarding the Court calendaring Debtor’s
21 motion.....” ECF 91 page 4 at Line 19-20,
22

23 Additionally, on December 4, 2022, Debtor prepared a corrected Notice of
24 Hearing with the new date 1/10/23. Mr. Robert McLelland electronically served
25 Plaintiff, Janine Jasso j9_jasso@yahoo.com on December 5, 2022. ECF 82
26

27 Federal Rule of Bankruptcy Procedure 4007(c) provides that a complaint to
28 determine dischargeability of debt under 11 U.S.C. § 523(a) “shall be filed no later
than 60 days after the first date set for the meeting of creditors under [11 U.S.C.] §

1 341(a) ... On motion of a party in interest, after hearing on notice, the court may for
2 cause extend the time fixed under this subdivision. The motion shall be filed before
3 the time has expired.” Since the first date set for the meeting of creditors under 11
4 U.S.C. § 341(a) as stated in the Official Form 309A, Notice of Chapter 7
5 Bankruptcy Case, was August 18, 2021, and the Official Form 309A, Notice of
6 Chapter 7 Bankruptcy Case was served on all creditors, including Plaintiff, the 60-
7 day deadline to challenge whether certain debts are dischargeable was October 18,
8 2022. ECF 7 See, Federal Rule of Bankruptcy Procedure 4007(c). This filing
9 deadline, October 18, 2021, was also expressly stated in the Official Form 309A,
10 Notice of Chapter 7 Bankruptcy Case. ECF 7. Plaintiff did not file the Complaint
11 until October 19, 2021, which was after the deadline without an extension.
12 “[W]hen a creditor seeks to extend the 60-day window to file a nondischargeability
13 complaint, the creditor must file a motion before the deadline passes and show
14 cause why the extension is necessary.” Willms v. Sanderson, 723 F.3d 1094, 1100
15 (9th Cir. 2013) (citing Federal Rule of Bankruptcy Procedure 9006(b)(3) and
16 noting that the deadline for filing a nondischargeability complaint may be extended
17 only to the extent and under the conditions stated in Federal Rule of Bankruptcy
18 Procedure 4007(c)). The Federal Rules of Bankruptcy Procedure “afford [a
19 bankruptcy court] no discretion to extend retroactively the deadline set in [Federal
20 Rule of Bankruptcy Procedure] 4007(c) for filing nondischargeability complaints.”
21 Anwar v. Johnson, 720 F.3d 1183, 1185-1186 (9th Cir. 2013) (an attorney's
22 computer problems did not excuse his late filing of two dischargeability complaints
23 by 26 and 38 minutes).
24 Therefore, under the Federal Rules of Bankruptcy Procedure, Plaintiff was
25 required to either file a nondischargeability complaint or a motion to extend the
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1 deadline to file such a complaint, for cause, within 60 days of the 11 U.S.C. §
2 341(a) meeting of creditors, i.e. by October 18, 2021. Plaintiff did not file the
3 Complaint or a motion to extend the deadline by October 18, 2021, and therefore,
4 the Complaint is time-barred.

5 In *Willms v. Sanderson*, the Ninth Circuit stated that “Ninth Circuit law strictly
6 construes Rule 4007(c) and courts cannot extend its time limit implicitly where no
7 such motion is made.” 723 F.3d at 1100 (alterations and citations omitted). The
8 strict application of Rule 4007(c) is “necessary due to the need for certainty in
9 determining which claims are and are not discharged.” *Id.* (citation omitted). The
10 Ninth Circuit has “repeatedly held that the sixty-day time limit for filing
11 nondischargeability complaints under [§ 523(a)] is strict and, without qualification,
12 cannot be extended unless a motion is made before the 60-day limit expires.”

13 Anwar v. Johnson, 720 F.3d at 1187 (citations and internal quotation marks
14 omitted).

15 The evidentiary record described herein indicates that Plaintiff was aware of the
16 deadline to file a complaint to determine dischargeability of debt that Defendant
17 owes to him because: (1) the Official Form 309A, Notice of Chapter 7 Bankruptcy
18 Case notified creditors of the filing deadline and was served on Plaintiff on July
19 11, 2021 as indicated by the Bankruptcy Noticing Center certificate of notice, ECF
20 7, which gave him notice of the deadline of over 90 days, more than the minimum
21 30 day notice required by Federal Rule of Bankruptcy Procedure 4007(c); (2)
22 Plaintiff was preparing to file the Complaint on the last day of the filing period
23 under Federal Rule of Bankruptcy Procedure 4007(c) on October 18, 2021,
24 however Plaintiff did not sign the complaint with a wet signature; (3) If Plaintiff
25 lives in El Paso Texas as self-reported to this Court, did Ms. Jasso, sign the
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1 Complaint and file the Complaint on October 19, 2021 in the Clerk's Office; (4) In
2 Ms. Jasso's attempt to file the Complaint on time on October 18, 2021, the
3 Complaint was filed at the Clerk window without a wet signature was ineffective;
4 and (5) Ms. Jasso's last attempt to file the Complaint on October 19, 2021 was
5 effective, but beyond the sixty-day filing deadline.

6 None of these facts can be disputed by Plaintiff.

7
8 Ms. Jasso's attempt to file the Complaint with the Bankruptcy Clerk window on
9 time was ineffective because an unsigned complaint without a wet signature is not
10 a proper filing a complaint. Under Federal Rule of Bankruptcy Procedure 5005(a),
11 complaints and other papers required to be filed under the Federal Rules of
12 Bankruptcy Procedure "shall be filed with the clerk in the district where the case
13 under the [Bankruptcy] Code is pending." Because Defendant's bankruptcy case
14 was pending in the Central District of California, Plaintiff was required to file the
15 Complaint with the Clerk of the Bankruptcy Court in the Central District of
16 California. The Local Bankruptcy Rules for the Central District of California
17 mandate the electronic filing with the Clerk of "all documents submitted in any
18 case or proceeding," on the Bankruptcy Court's Case Management/Electronic Case
19 Filing ("CM/ECF") System unless the filing includes confidential court records or
20 the filing party is a pro se litigant [or] an "attorney who files documents in fewer
21 than 5 bankruptcy cases or adversary proceedings in a single calendar year[.]"

22
23 Local Bankruptcy Rule 5005-4 and Section 3.1 of the Court Manual for the
24 United States Bankruptcy Court, Central District of California (the "Court
25 Manual"). As stated in the Court Manual, "Case Management/Electronic Case
26 Filing (CM/ECF) is a case management system that allows [attorneys] to
27 electronically file petitions and other documents via the internet." Court Manual, §
28

1 3.1(a). Generally, [only] attorneys admitted to practice in the Central District of
2 California, currently in good standing, are eligible to use the CM/ECF system and
3 file documents with the Bankruptcy Court electronically, and the attorneys must be
4 registered with CM/ECF, must have completed online training on the CM/ECF
5 system and prove competence on the system to use it and file documents with the
6 court electronically. Court Manual, § 3.2(a), (b) and (c).
7

8
9 In this case, Plaintiff, a California Licensed Attorney in good standing,
10 eligible to file documents with the Bankruptcy Court electronically on the court's
11 CM/ECF system, although not required to file her Complaint electronically, as Ms.
12 Jasso filed the Adversary Complaint “in pro se”. However, since the inception of
13 Debtor’s Chapter 7 case, the only address ever provided [by] Ms. Janine Jasso is a
14 P.O. Box in El Paso, Texas. All complaints and pleadings in this Chapter 7 filed
15 by Plaintiff, Janine Jasso, Esq. list a P.O. Box 370161 El Paso, TX 79937.
16

17 Pursuant to Local Bankruptcy Rule 1071-1(c), “Documents filed non-
18 electronically, other than a petition, must be filed only in the divisional office of
19 the clerk to which the relevant case or proceeding has been assigned.

20 However, the clerk may, by special waiver or upon the order of the court,
21 accept documents in any office of the clerk irrespective of division.” Further, a
22 “document delivered for filing to the clerk will be accepted if accompanied by any
23 required fee and signature[...].” Local Bankruptcy Rule 5005-1.
24

25
26 Section 3.11 of the Court Manual is nearly identical to Local Bankruptcy
27 Rule 5005-4 and repeats the exceptions to mandatory electronic filing. Court
28 Manual, § 3.11 at 3-18 and 3-19. Moreover, the Court Manual states that if, for

1 example, the court is unable to accept electronic filings for any reason, “the option
2 of filing documents manually at the filing window always remains available and
3 should be utilized whenever it is essential that a particular document be filed by a
4 particular date.” Id., § 3.12 at 3-19. For pro se litigants, after application and
5 approval, the court provides an Electronic Drop Box (“EBD”).
6

7 The court's local rules and the Court Manual thus provide that the filing of a
8 complaint or other document with the Clerk of the Bankruptcy Court is to be done
9 electronically if the filer is required to file electronically, and if the filer [is not]
10 required to file electronically, the filer is to file the complaint or other document
11 manually at the filing window of the Clerk's Office.

12 Accordingly, Ms. Jasso’s Unsigned Complaint ECF 1, presented without a
13 wet signature, was unauthorized and ineffective, and her second filing of the
14 Complaint at the filing window, (ECF. 3) on October 19, 2021 which was
15 purportedly executed with Ms. Janine Jasso’s wet signature and effective, was late.
16

17
18 The time limit of Federal Rule of Bankruptcy Procedure 4007(c) is strictly
19 enforced and cannot be extended once the deadline has passed, which happened
20 here as the Complaint was filed late, without any request for extension of time filed
21 before the deadline.
22

23 CONCLUSION

24

25 Plaintiff’s Complaint was not filed within the time period required
26 under Federal Rule of Bankruptcy Procedure 4007(c) and is therefore time-barred.
27
28

1 Defendant's respectfully request the Motion To Dismiss the Complaint and
2 the Adversary Proceeding be granted Nunc Pro Tunc
3 and the Complaint and the adversary
4 proceeding be dismissed with prejudice. Anwar v. Johnson, 720 F.3d at 1189
5 (affirming the bankruptcy court's dismissal of the dischargeability complaint with
6 prejudice for filing the complaint late under Federal Rule of Bankruptcy Procedure
7 4007(c)).
8

9
10
11 Dated: 1/10/2023

Respectfully submitted,

Jamie Lynn Gallian

JAMIE LYNN GALLIAN

Defendant, IN PRO PER

14 FOOTNOTES

15
16 [1] The form also notes that “You must file a complaint: ... if you want to have a
17 debt excepted from discharge under 11 U.S.C. § 523(a)(2), (4), or (6).” Id.
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28

JAMIE LYNN GALLIAN
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Huntington Beach, CA 92649
(714)321-3449
jamiegallian@gmail.com

Defendant, IN PRO PER

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA-
SANTA ANA DIVISION

3RD AMENDED

In re:
JAMIE LYNN GALLIAN,

Debtor.

Case No: 8:21-bk-11710-SC

Judge: The Honorable Scott C. Clarkson

JANINE B. JASSO, ESQ.

Plaintiff,

v.

Chapter 7

Adv. No. 8:21-ap-01096-SC

JAMIE LYNN GALLIAN

Defendant.

**JAMIE LYNN GALLIAN MEMORANDUM
OF POINTS & AUTHORITIES IN
OPPOSITION TO PLAINTIFF'S PARTIAL
SUMMARY JUDGMENT
RE FIRST CAUSE OF
ACTION 11 U.S.C. §523 (a)(7);
DECLARATION OF JAMIE L GALLIAN IN
SUPPORT OF OPPOSITION.**

HEARING Date: December 13, 2022
Time: 1:30 p.m. Virtual ZoomGov
Dept.: 5C 411 West Fourth Street

Santa Ana, CA 92701

NOTICE OF OPPOSITION TO PMSJ

**TO CREDITOR JANINE B. JASSO, ESQ. CHAPTER 7 TRUSTEE
JEFFREY I. GOLDEN, AND ALL PARTIES IN INTEREST:**

PLEASE TAKE NOTICE THAT on December 13, 2022 at 1:30 p.m.,
in Department 5C, of the Ronald Reagan United States Federal Courthouse, located
at 411 West Fourth Street Santa Ana, CA 92701, Debtor Jamie Lynn Gallian pursuant to
Bankruptcy Rule 7056 and Rule 56 of the Federal Rules of Civil Procedure,
respectfully requests that the Court enter a judgment in her favor of Debtor and
against Janine B. Jasso, Esq. finding that Gallian's debt to Janine Jasso, Esq.
stemming from a March 9, 2021 Victim Restitution Order is dischargeable pursuant to
11 U.S.C. §§ 727 and 523(a)(7). As set forth below, there are genuine issue as to
material fact and, as a matter of law, Jasso is should not be entitled to judgment
in her favor.

Gallian requests that the Court make findings establishing all material facts contained
herein in accordance with Fed. R. Civ. P. 56(g), made applicable to this proceeding
by Fed. R. Bankr. P. 7056, should the court grant partial summary judgment in
Jasso's favor.

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I. INTRODUCTION

Debtors opposition to PSMJ addresses one substantive question: is a state criminal restitution debt dischargeable where (1) payment is not required by probation; (2) the amount was set 2 years later, not at sentencing 12/12/2019, but in a subsequent non-criminal proceeding brought by Waymakers; (3) the amount is compensatory; and (4) the beneficiary is not a government entity?

Even when only the first, third or fourth factors are present, the debt is dischargeable. Here the presence of three potentially four factors present makes denial of plaintiffs partial summary judgment appropriate. The text of the discharge statute is straightforward and requires that a debt such as Gallian's be dischargeable. What complicates the analysis is the Supreme Court's decision in *Kelly v. Robinson*, 479 U.S. 36 (1986). This decision "led to considerable confusion among federal courts" *In re Albert-Sheridan*, 960 F.3d 1188, 1195 (9th Cir. 2020) (quoting *In re Scheer*, 819 F.3d 1206, 1210 (9th Cir. 2016) (collecting cases)).

In *Kelly*, a state convict was ordered to repay Connecticut's welfare office the roughly \$9000 she defrauded from the welfare system, with her jail sentence suspended as long as she was making ordered monthly payments. That amount is facially dischargeable under 11 U.S.C. § 523(a)(7), since the \$9000 is "compensation for actual pecuniary loss." But *Kelly* departed from § 523(a)(7)'s plain text to hold otherwise, finding a penal and rehabilitative purpose behind what was expressly a compensatory payment, and also to avoid the possible insult to comity that would arise if a bankruptcy court told Connecticut that it may not revoke a convict's suspended sentence who violated the suspended sentence's restitution payment requirement.

There's a number of problems with applying *Kelly* to create an even broader atextual exception to § 523(a)(7) in this case. First, *Kelly* is potentially bad law, as it contradicts subsequent Supreme Court cases that say inquiries into the intent of Congress like legislative history are only appropriate when the text is ambiguous, but § 523(a)(7) simply is not ambiguous. *See Albert-Sheridan*, 960 F.3d at 1195 ("[T]he Supreme Court has consistently reminded us of our duty to follow the law as enacted by Congress, not as judged by our convictions [...] Accordingly, we are bound to follow the plain meaning of § 523(a)(7) here.").

1 In 2016, the Ninth Circuit found that the Supreme “Court’s approach in *Kelly*—to
2 untether statutory interpretation from the statutory language—has gone the way of
3 *NutraSweet* and other relics of the 1980s.” *Scheer*, 819 F.3d at 1210. In 2020, the Ninth
4 Circuit again suggested *Kelly* was bad law in *Albert Sheridan*, quoting with approval the
5 language calling it a “relic.” 960 F.3d at 1195.

6 While *Kelly* was arguably repealed by subsequent Supreme Court decisions that
7 repudiated its “atextual” method, neither this Court, nor the Ninth Circuit, may simply
8 disregard it where it directly controls. Faced with bad law it lacks the power to formally
9 hold, is bad law, the Ninth Circuit has instead “sought to cabin *Kelly*’s reach and refused to
10 expand its rationale.” *Albert-Sheridan*, 960 F.3d at 1195. To apply *Kelly* to Ms. Gallian’s
11 restitution debt, the Court would need to “expand” *Kelly*, where the Ninth Circuit’s
12 instruction is instead to “cabin *Kelly*’s reach.”

13 Here, “cabin[ing] *Kelly*’s reach” means not engaging in a further atextual departure
14 from § 523(a)(7)’s “plain meaning” but instead following § 523(a)(7) exactly as written
15 and holding Gallian’s restitution debt to Janine Jasso, Esq. is dischargeable.
16 *Albert-Sheridan*, 960 F.3d at 1195. The key differences here include (1) *Kelly*
17 involved compensation to a government entity that was defrauded, namely the
18 Connecticut welfare agency; (2) the amount defrauded was proved in a criminal
19 proceeding before a jury, not a subsequent proceeding before a different judge and
20 no jury, with no criminal due process; (3) *Kelly* was facing a sentence suspended as
21 long as she paid restitution, while Gallian’s probation has been discharged.

22 **II. LEGAL STANDARDS**

23 “PSMJ is appropriate only ‘if the movant shows that there is no genuine
24 issue as to any material fact and the movant is entitled to judgment as a matter of law.’” *In*
25 *re Rens*, 633 B.R. 594, 601 (B.A.P. 9th Cir. 2021) (quoting *In re Wank*, 505 B.R. 878, 886
26 (9th Cir. BAP 2014)) (citing Fed. R. Civ. P. 56(a), made applicable in adversary
27 proceedings by Rule 7056)). **“An issue is genuine if there is enough evidence for a
28 reasonable trier of fact to make a finding in favor of the non-moving party, and an issue is**

material if it might legally affect the outcome of the case.” *In re Rens*, 633 B.R. 594, 601 (B.A.P. 9th Cir. 2021) (citing *Far Out Prods., Inc. v. Oskar*, 247 F.3d 986, 992 (9th Cir. 2001)). “Under those standards, a mere ‘scintilla’ of evidence in opposition to summary judgment is insufficient” to warrant denial of summary judgment. *In re Tea Station Inv., Inc.*, 2021 Bankr. LEXIS 2985, at *11-12 (Bankr. C.D. Cal. Oct. 26, 2021) (citing *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 251-52 (1986)). Rather, ““there must be evidence on which the jury could reasonably find for the [non-moving party].”” *In re Gilliam*, 2012 Bankr. LEXIS 1512, at *25 (B.A.P. 9th Cir. Apr. 6, 2012) (quoting *Liberty Lobby*, 477 U.S. at 251-52).

III. STATEMENT OF MATERIAL FACTS.

1. On November 12, 2019, Ms. Gallian was found guilty of indirect contempt of court, PC 166(a)(4) disobey court order for contacting a HOA Board Member asking her to "get away from me." Jasso lives an entire football field from Gallian. The HBPB told her, "stop instigating contact with Gallian." HBPD, Officer Turner. 9/20/2017. On 3/27/2018. Gables HOA attorney, now a creditor, Janine B. Jasso, Esq. and A. Jasso came to Gallians. A private Stipulation-Civil Harassment was signed by the parties and filed by the Gables HOA on 2-14-2018, OCSC 30-2017-00962999, after mediation, prior to the OSC hearing set for August 15, 2018. The Stipulation was ambiguous; one part said the case was dismissed without prejudice while another hand written section continued the terms of an unnoticed, exparte, 12/22/2017 TRO. Gallian Decl. Ex. 1 (Huntington Beach Gables's Homeowners Association vs Gallian, OCSC 30-2017-00962999 Complaint ¶ 32).

2. On December 12, 2019, the Honorable Thomas S. McConville pronounced judgment in the criminal action filed 4/25/2018 OCSC 18WM05278. Gallian was sentenced to probation, and her probation ended on or about March 25, 2022. Gallian Decl. Exs. 2 (letter from Supervising probation officer) and 6 (sentencing document).

3. On March 9, 2021, the Honorable Kevin Haskins, Orange County Superior Court [Chamber Work], entered an Order for Victim Restitution in favor of Victim(s) Janine B. Jasso, Esq. ("Jasso"). Gallian Decl. Ex. 3 (Victim Restitution Order).

4. In addition to the civil nature of the proceeding illustrated by the fact that it was for Jasso's private civil attorney fees after Jasso filed a second unnoticed exparte CH-100 on 4/18/2018; Now retired Judge Timothy Stafford entered again, "**Peaceful Contact No Stay Away**" **Parties are neighbors**. Jasso, a California licensed attorney SBN 170188, hired civil and criminal attorney Martina Teinert on or about 5/9/2018, to represent Jasso in post filing motions 30-18-00986785. Gallian Decl. Ex. 8, pps.223-254

5. The Order for Victim Restitution required Gallian to pay Janine B. Jasso, Esq. a total of \$9,338.25, consisting of costs and attorney fees incurred by Jasso in the civil Harassment action 30-2018-00986785. Gallian Decl. Ex. 3 (Victim Restitution Order) and 4 (restitution itemization).

6. The entirety of the amount owed to Jasso pursuant to the Victim Restitution Order is compensation for pecuniary loss. Gallian Decl. Ex. 3 (Victim Restitution Order) and 4 (restitution itemization).

7. None of the amount owed to Jasso pursuant to the Victim Restitution Order constitutes a fine, penalty, or forfeiture payable to and for the benefit of a governmental unit. Gallian Decl. Ex. 3 (Victim Restitution Order) and 4 (restitution itemization).

8. None of the amount owed to Jasso pursuant to the Victim Restitution Order constitutes a tax penalty. Gallian Decl. Ex. 3 (Victim Restitution Order) and 4 (restitution itemization).

9. Ms. Gallian was also ordered to pay various court fees and costs in restitution to government entities. Ms. Gallian paid these court fees and costs on 12/12/19, before California passed legislation that resulted in their automatic forgiveness. Thus, this motion and bankruptcy in no way concerns the forgiven costs and fines that Gallian was ordered to pay government entities, and did pay, as a result of the same conviction. *See Families Over Fees Act*, A.B. 1869 (enacted Sept. 18, 2020).

10. On July 09, 2021, Gallian filed her Chapter 7 bankruptcy petition.

IV. ARGUMENT

“A Chapter 7 discharge ‘releases the debtor from personal liability for [her] pre-bankruptcy debts.’” *In re Albert-Sheridan*, 960 F.3d 1188, 1192 (9th Cir. 2020), *cert. denied*, 141 S. Ct. 1124 (2021) (quoting *In re Ybarra*, 424 F.3d 1018, 1022 (9th Cir. 2005)). “A debtor is entitled to a discharge of all pre-petition debts except for nineteen categories of debts set forth in the Code.” *Albert-Sheridan*, 960 F.3d at 1192. The “Supreme Court has interpreted exceptions to the broad presumption of discharge narrowly.” *State Farm Mut. Auto. Ins. Co. v. Rodriguez (In re Rodriguez)*, 568 B.R. 328, 338 (Bankr. S.D. Cal.

2017) (citing *Kawaauhau v. Geiger*, 523 U.S. 57, 62 (1998)).

A. **11 U.S.C. § 523(a)(7) Is Not Applicable Because the Restitution at Issue Is Not Penal and Ordered Two Years in a “Subsequent Proceeding.”**

Numerous “courts that have decided that section 523(a)(7) does not apply” when restitution is “civil.” *In re Parsons*, 505 B.R. 540, 544 (Bankr. D. Haw. 2014) (citing *Hughes v. Sanders*, 469 F.3d 475 (6th Cir. 2006), cert. denied, 549 U.S. 1341 (2007); *In re Towers*, 162 F.3d 952 (7th Cir. 1998), cert. denied, 527 U.S. 1004 (1999); and *In re Rayes*, 496 B.R. 449 (Bankr. E.D. Mich. 2013).

In *In re Wilson*, the “debtor was charged in the Circuit Court of the City of Richmond with the ‘fraudulent conversion or removal of property subject to lien or title to which is in another,’ a felony under the Virginia Criminal Code.” *In re Wilson*, 299 B.R. 380, 381 (E.D. Va. 2003). Wilson “entered into a plea agreement under which he pled guilty to the misdemeanor crime of fraud as an accessory after the fact” and was ordered “to pay criminal restitution to plaintiff in an amount to be determined by the Civil Division of the Richmond General District Court.” *Id.* He then filed a Chapter 7 proceeding seeking to discharge the restitution. *Id.*

The court noted that “Code § 523(a)(7) provides that a chapter 7 discharge does not discharge an individual debtor from a debt “to the extent such debt is for a fine, penalty, or forfeiture payable to and for the benefit of a governmental unit, and is not compensation for actual pecuniary loss, other than a tax penalty.” *Wilson*, 299 B.R. at 381. The “unresolved issue” was

whether there is any distinction to be drawn from the fact that here the Virginia state court restitution was to be paid not to a “governmental unit” but directly to the plaintiff in an amount based on plaintiff’s damages **and to be determined in a subsequent civil court trial to be brought by plaintiff.**

Wilson, 299 B.R. at 382 (emphasis added). The court discharged the debt, as

plaintiff’s claim of \$ 4,089.60 represents the balance debtor owes on his truck loan following repossession. Additionally, the amount of restitution was not ordered by the criminal court, which left the amount to be determined by a civil court in a

1 separate law suit. Even if the restitution is considered penal in nature and thus
2 not reimbursement for actual pecuniary loss, it remains reimbursement for the
3 benefit of a non-governmental creditor.

4 *Wilson*, 299 B.R. at 384.

5 Here, too, discharge is appropriate. Gallian's debt to Jasso similarly "represents
6 the balance debtor owes." *Wilson*, 299 B.R. at 384. Here, just as in *Wilson*, the entirety of
7 the restitution award compensates a private party for a pecuniary loss. Gallian Decl. Ex 3
8 (Victim Restitution Order) and 4 (restitution itemization). Further, here, as in *Wilson*,
9 the "amount of restitution was not ordered by the 12/12/19 trial court, which left the
10 amount to be determined by a civil court in a separate lawsuit." *Wilson*, 299 B.R. at 384.

11 The Honorable Thomas S. McConville presided over Gallian's criminal
12 sentencing. Gallian Decl. Ex. 6. As shown in Exhibit 5 to the concurrently filed Gallian
13 Declaration, the Victim Restitution Order was issued by Judge Kevin Haskins.
14 Because the restitution at issue here was ordered in a civil proceeding, discharge is
15 appropriate. *Wilson*, 299 B.R. at 384.

16 **B. Defendant's Debt Is Not Exempted from Discharge Under 11 U.S.C.**
17 **523(a)(13).**

18 Jasso appears to at times argue that Gallian's debt for 2018 civil attorney's fees
19 "is nondischargeable under § 523(a)(13)." This contention is meritless.

20 Pursuant to 11 U.S.C. § 523(a)(13), "any payment of an order of restitution issued
21 under title 18, United States Code" is excepted from discharge. Here, there is no dispute
22 that none of Gallian's debt stems from "restitution **issued under title 18, United States**
23 **Code.**" 11 U.S.C. § 523(a)(13) (emphasis added). The debt arises from a restitution order
24 issued by Orange Cpunty Superior Court under California law. Gallian Decl. Exs. 3-4.

25 As courts have repeatedly held, Congress knew how to draft a statute that would
26 make restitution orders nondischargeable and in so doing chose not to include state
27 court restitution orders in the Bankruptcy Code section which makes restitution
28 orders nondischargeable when issued under title 18 of the United States Code.

1 *Troff v. Utah (In re Troff)*, 2005 Bankr. LEXIS 1237, at *5 (Bankr. D. Utah June 6, 2005)
2 (emphasis added)

3 In *In re Martinez*, the court similarly held, “[u]nder 11 U.S.C. § 523(a)(13), a debt
4 for payment of a restitution order issued under Title 18, United States Code, is non-
5 dischargeable through bankruptcy.” *Doe v. Martinez (In re Martinez)*, 2012 Bankr. LEXIS
6 2100, at *40 (Bankr. D.N.M. May 10, 2012). “By its terms, paragraph (13) applies only
7 to restitution orders for a criminal offense under title 18. It does not apply to restitution
8 orders issued in state criminal prosecutions[.]” *Martinez*, 2012 Bankr. LEXIS 2100, at
9 *40-41 (quoting 4 COLLIER ON BANKRUPTCY ¶ 523.19 (Alan N. Resnick and Henry J.
10 Sommer, eds. 15th ed. Rev. 2009)).

11 Thus, the court found the debt stemming from an “order” which “was issued by
12 the State District Court of the County of Hidalgo pursuant to state law” and “was not
13 issued under the federal criminal code” did “not fall within the parameters of 11 U.S.C. §
14 523(a)(13).” *Id.* at *41.

15 In *In re Polk*, the court likewise held

16 § 523(a)(13) makes nondischargeable debts “for any payment of an order of
17 restitution issued under title 18, United States Code.” **By its plain language, the**
18 **exception does not apply to an order issued in a state criminal court.** Since the
19 Second Reimbursement Order sought by the County came from the state criminal
20 court applying California Penal Code § 987.8, a state law, the County cannot rely on §
21 523(a)(13).

22 *In re Polk*, 2012 Bankr. LEXIS 6107, at *8 (Bankr. E.D. Cal. Jan. 31, 2012)
23 (emphasis added).

24 Jasso urges the Court to expand 11 U.S.C. § 523(a)(7) beyond its statutory text to
25 include state court criminal restitution orders. But the “Supreme Court has interpreted
26 exceptions to the broad presumption of discharge narrowly.” *State Farm Mut. Auto.*
27 *Ins. Co. v. Rodriguez (In re Rodriguez)*, 568 B.R. 328, 338 (Bankr. S.D. Cal. 2017)
28 (citing *Kawaauhau v. Geiger*, 523 U.S. 57, 62 (1998)).

Further, there is no dispute that none of Gallian’s debt to Jasso stems from “restitution issued under title 18, United States Code.” 11 U.S.C. § 523(a)(13). *See also* Gallian Decl. Exs. 3-4. “By its plain language, the exception does not apply to an order issued in a state criminal court.” *In re Polk*, 2012 Bankr. LEXIS 6107, at *8.

C. Defendants Debt Is Not Exempted from Discharge Under 11 U.S.C. 523(a)(7).

“One of the exceptions” set forth in 11 U.S.C. § 523(a) “makes non-dischargeable a debt ‘for a fine, penalty, or forfeiture payable to and for the benefit of a governmental unit, and is not compensation for actual pecuniary loss.’” *Albert-Sheridan*, 960 F.3d at 1192. “Section 523(a)(7) expressly requires three elements for a debt to be non-dischargeable.” *Albert-Sheridan*, 960 F.3d at 1193. “The debt must (1) be a fine, penalty, or forfeiture; (2) be payable to and for the benefit of a governmental unit; and (3) not constitute compensation for actual pecuniary costs.” *Id.* (citing 11 U.S.C. § 523(a)(7)).

In *Alberet-Sheridan*, the debt at issue stemmed from discovery sanctions owed to “10675 S. Orange Park Boulevard, LLC,” which was “not a governmental unit.” *Albert-Sheridan*, 960 F.3d at 1193. The Ninth Circuit held “the discovery sanctions also constitute ‘compensation for actual pecuniary costs,’” as they “are only available to ‘pay the reasonable expenses, including attorney’s fees, incurred.’” *Albert-Sheridan*, 960 F.3d at 1194 (quoting 11 U.S.C. § 523(a)(7) and Cal. Civ. Proc. Code § 2023.030(a)). The “discovery sanctions were commensurate with Orange Park Boulevard’s expenses to litigate the discovery motions against Albert’s former client and, thus, were ‘compensatory.’” *Albert-Sheridan*, 960 F.3d at 1194. Accordingly, “[u]nder the plain text of § 523(a)(7), the discovery sanctions [we]re not the type of debt protected from discharge.” *Albert-Sheridan*, 960 F.3d at 1194. The Ninth Circuit thus “reverse[d] the BAP’s finding that Albert’s discovery sanctions are non-dischargeable under Chapter 7.” *Albert-Sheridan*, 960 F.3d at 1194.

In reaching its conclusion, the Ninth Circuit noted that

1 the BAP relied on its understanding of the Supreme Court’s decision in *Kelly*
2 [citation]. The BAP ruled that, “notwithstanding the statutory language” of §
3 523(a)(7), the dischargeability of a debt “turns on the purpose of the restitution
4 award rather than the ultimate recipient of funds.” *In re Albert-Sheridan*, 2019
5 Bankr. LEXIS 1187, 2019 WL 1594012, at *4 (citing *Kelly*, 479 U.S. at 52-53).
6 The BAP then reasoned that since the California Supreme Court ordered the
7 payment of the discovery sanctions, “they were transformed into a primarily
8 punitive sanction that was nondischargeable under § 523(a)(7), despite the fact
9 that the sanctions are payable to the affected parties rather than the State Bar.”
2019 Bankr. LEXIS 1187, [WL] at *6. We disagree that *Kelly* has such a broad
reach.

10 *Albert-Sheridan*, 960 F.3d at 1194. In *Kelly*, the “Supreme Court held that criminal
11 restitution **paid to a state agency as a condition of probation** was non-dischargeable
12 under § 523(a)(7).” *Albert-Sheridan*, 960 F.3d at 1194 (emphasis added).

13 The Ninth Circuit noted the Supreme Court’s decision to depart from the plain
14 language of § 523(a)(7) had led to “confusion” on the part of lower courts to what extent,
15 if any, they too should depart from statutory language based on guesswork at whether
16 state’s have “punitive” and “rehabilitative” policies behind facially compensatory
17 restitution awards. *Kelly* also conflicted with the long-standing rule that exceptions to
18 discharge are to be interpreted narrowly:

19 Given that *Kelly* was based on a “deep conviction” rather than statutory language,
20 we have raised concerns that it has “led to considerable confusion among federal
21 courts and practitioners about section 523(a)(7)’s scope.” *In re Scheer*, 819 F.3d
22 1206, 1210 (9th Cir. 2016) (collecting cases). We further compared *Kelly*’s
23 approach of “untether[ing] statutory interpretation from the statutory language” to
24 a “relic[] of the 1980s.” *Id.* Like other relics of the 1980s, such as big hair, jam
25 shorts, and acid-wash jeans, *Kelly*’s atextual interpretative method should not
26 come back into fashion. Thus, we have sought to cabin *Kelly*’s reach and refused
27 to expand its rationale to an arbitration award requiring an attorney to refund a
28 client’s funds. *Id.* at 1211. We have also declined to extend *Kelly* to except
criminal restitution payments under the Code’s preference statute, 11 U.S.C. §
547(b). *In re Silverman*, 616 F.3d 1001, 1007-08 (9th Cir. 2010).

Albert-Sheridan, 960 F.3d at 1195.

1 Further, Although the California Supreme Court conditioned Albert's
2 reinstatement on payment of the sanctions in its order of discipline, Albert's
3 debt compensates a private party for the costs of litigating civil discovery
4 motions for its own benefit. Nothing in these circumstances would cause us to
depart from the plain language of the Code.

5 *Albert-Sheridan*, 960 F.3d at 1195. The same is true in this case, where the entirety of the
6 restitution order consists of attorney fees in a civil suit.

7 Indeed, the Supreme Court has consistently reminded us of our duty to follow the
8 law as enacted by Congress, not as judged by our convictions. See *Hardt v.*
9 *Reliance Standard Life Ins. Co.*, 560 U.S. 242, 251 (2010) (“We must enforce
10 plain and unambiguous statutory language according to its terms.”); *Pavelic &*
11 *LeFlore v. Marvel Entm’t Grp.*, 493 U.S. 120, 126 (1989) (“Our task is to apply
12 the text, not to improve upon it.”). This command does not change when the matter
13 involves bankruptcy. “[W]hatever equitable powers remain in the bankruptcy
14 courts must and can only be exercised within the confines of the Bankruptcy
15 Code.” *Norwest Bank Worthington v. Ahlers*, 485 U.S. 197, 206 (1988).
16 Accordingly, when it comes to interpreting the Code, we are not at liberty to “alter
the balance struck by the statute.” *Czyzewski v. Jevic Holding Corp.*, 137 S. Ct.
973, 987 (2017) (simplified). Accordingly, we are bound to follow the plain
meaning of § 523(a)(7) here.

17 *Albert-Sheridan*, 960 F.3d at 1195 (parallel citations omitted).

18 Ms. Gallian seeks discharge of her debt of \$9338.25 owed to Janine Jasso as a
19 result of a Victim Restitution Order entered on March 9, 2021. Gallian Decl. Ex. 1
20 (Jasso's Verified Compl. ¶ 11 and Prayer for Relief). Like the discovery sanctions at
21 issue in *Albert-Sheridan*, Gallian's debt to Janine Jasso, Esq. is dischargeable.

22 Here, only one of the exceptions set forth in 11 U.S.C. § 523(a) is even
23 arguably applicable. *See generally* 11 U.S.C. § 523(a). Pursuant to 11 U.S.C. § 523(a)
24 (7), a debt may not be discharged

25 to the extent such debt is for a fine, penalty, or forfeiture payable to and for
26 the benefit of a governmental unit, and is not compensation for actual pecuniary
27 loss, other than a tax penalty— (A) relating to a tax of a kind not specified in
28

paragraph (1) of this subsection; or (B) imposed with respect to a transaction or event that occurred before three years before the date of the filing of the petition.

11 U.S.C. § 523(a)(7). This exception is inapplicable to the debt at issue.

First, Gallian's debt owed to Janine Jasso is certainly not a "a fine, penalty, or forfeiture payable to and for the benefit of a governmental unit." 11 U.S.C. § 523(a)(7). Here, as in *Albert-Sheridan*, the debt at issue is payable to a private party which "are not" "governmental unit[s]." *Albert-Sheridan*, 960 F.3d at 1193. Further, as in *Albert-Sheridan*, the debt at issue is "not payable to or for the benefit of a governmental unit." *Id.* To the extent that Jasso contends the restitution debt constitutes a "fine" or "penalty" imposed as condition of Gallian's probation, Gallian's probation ended on or around March 25, 2022. Gallian Decl. Ex. 2.

Second, the debt at issue is "compensation for actual pecuniary loss." 11 U.S.C. § 523(a)(7). Like the discovery sanctions in *Albert-Sheridan*, Gallian's debt to Jasso consists of "reasonable expenses, including attorney's fees, incurred" in a civil proceeding. *Albert-Sheridan*, 960 F.3d at 1194. Gallian's debt is "commensurate with" Jasso's "expenses to litigate" an action against Gallian and thus is "compensatory." *Albert-Sheridan*, 960 F.3d at 1194. *See also id.* (The "California superior court ordered the sanctions to reflect the costs Orange Park Boulevard incurred responding to Koshak and Albert's misuse of the discovery process.").

"Under the plain text of § 523(a)(7)," Gallian's debt to Jasso, which is entirely compensatory and not for the benefit of a governmental unit, is "not the type of debt protected from discharge." *Albert-Sheridan*, 960 F.3d at 1194.

To the extent that Jasso argued discharge is improper pursuant to *Kelly v. Robinson*, 479 U.S. 36 (1986), the argument fails. First, *Kelly* is factually distinguishable. In *Kelly* the debtor "pleaded guilty to larceny in the second degree. The charge was based on her wrongful receipt of \$ 9,932.95 in welfare benefits from the Connecticut Department of Income Maintenance." *Kelly v. Robinson*, 479 U.S. 36, 38 (1986). She was "order[ed]" to "make restitution to the State of Connecticut Office of Adult Probation (Probation

Office) at the rate of \$100 per month, commencing January 16, 1981, and continuing until the end of her probation.” *Id.* Thus, the debt (1) stemmed from a crime against a governmental unit, (2) was payable to, and for the benefit of a governmental unit, and (3) was ordered as a condition of probation. Further, the debtor was still on probation at the time of the discharge. *Kelly v. Robinson*, 479 U.S. 36, 38 (1986). Here, in contrast, Gallian’s debt “compensates a private party for the costs of litigating” a civil action. *Albert-Sheridan*, 960 F.3d at 1195. Further, Gallian’s debt to Jasso was not imposed as a condition of probation, and Gallian’s probation ended on or around March 25, 2022. Gallian Decl. Ex. 2.

Other courts have agreed that *Kelly* only applies to the specific situation of compensation to a governmental unit as a condition of probation. In *Hughes v. Sanders*, the debt at issue stemmed from a “default judgment as to liability” entered against an attorney in a malpractice action as a result of multiple discovery violations. *Hughes v. Sanders*, 469 F.3d 475, 476 (6th Cir. 2006). Despite that the “judgment was punitive in nature,” the Sixth Circuit held the debt was dischargeable pursuant to 11 U.S.C. § 523(a)(7) because it was “payable to Hughes, who is not a governmental unit, and it is in an amount calculated to compensate Hughes for the damage he incurred as a result of Sanders’s malpractice.” *Id.* at 477. Thus, the Sixth Circuit found that “that *Kelly* applies narrowly to criminal restitution payable to a governmental unit. We are not alone in this view.” *Id.* at 478 (collecting cases). In finding the that the debt was dischargeable, court further noted that

the *Kelly* Court did not address the statute’s requirement that the debt be payable to and for the benefit of a governmental entity, because that requirement was clearly met: the debt was a criminal restitution order, payable to the State Office of Adult Probation to recompense the defendant’s theft from the State Department of Income Maintenance.

Hughes v. Sanders, 469 F.3d 475, 478 (6th Cir. 2006).

Similarly, when the debt at issue was the amount that Scheer, an attorney, improperly received from a client, but did not pay back, the Ninth Circuit held

1 the debt in this case was purely compensatory—an arbitration fee award between
2 Scheer and her former client. It was not disciplinary. To categorize the fee dispute
3 in this case as nondischargeable simply because the State expresses a strong
4 regulatory interest in a particular industry would render any attorney-client fee
5 dispute nondischargeable. Moreover, the State’s logic would extend to fee
6 disputes in any closely regulated industry—doctors, dentists, chiropractors,
7 barbers, locksmiths, real estate agents, acupuncturists, tattoo artists, and so on. We
8 require clearer language in section 523(a)(7) before we can endorse such an
incremental yet horizonless approach—otherwise, we will end up boiling a frog
that Congress never intended to leave the lily pad.

9 *In re Scheer*, 819 F.3d 1206, 1211 (9th Cir. 2016). The court further noted that *Kelly*’s
10 method was to “untether statutory interpretation from the statutory language.” *Id.* at 1210.

11 In another case the debtor was convicted “of fifty-four counts, including mail fraud,
12 wire fraud and money laundering, which stemmed from Rashid’s operation of a fraudulent
13 commercial loan operation.” *In re Rashid*, 210 F.3d 201, 203 (3d Cir. 2000). “Confronted
14 with considerable debt after his federal conviction for fraud, Rashid filed for Chapter 7
15 bankruptcy protection.” *Id.* “Among his creditors were the victims of his fraud to whom he
16 owed in excess of \$ 1.6 million pursuant to a criminal restitution order.” *Id.* Rashid filed a
17 bankruptcy petition and “then filed an adversary proceeding against the United States in
18 Bankruptcy Court alleging that . . . his criminal restitution obligation was dischargeable in
19 bankruptcy.” *Id.* The court held 11 U.S.C. § 523(a)(7)’s “second requirement, that the
20 amount be ‘payable to and for the benefit of the governmental unit,’ is not satisfied.” *Id.* at
21 207. In reaching its conclusion, the court noted that in

22 *Kelly*, the debtor was required to pay restitution to the Connecticut welfare
23 authority from which she fraudulently received payments. *See Kelly*, 479 U.S. at
24 38-39. A governmental unit kept the restitution and deposited the monies into the
25 state treasury. In *Kelly*, there was no doubt that the restitution was “payable to and
26 for the benefit of a governmental unit.” The issue becomes more complex when,
as here, the restitution is payable to private victims.

27 *Id.* at 207. Further, the court held

28 **We would pervert the clear, unambiguous language of § 523(a)(7) if we found**

1 **that Rashid’s restitution obligation was “payable to” a governmental unit.**
2 **Although the record is unclear whether Rashid’s restitution obligations were**
3 **to be directly paid to his victims or were to pass through a governmental unit**
4 **before reaching the victims, it is clear that the benefit--the money--is**
5 **ultimately payable to the victims.** See *Towers*, 162 F.3d at 955. Accordingly, we
6 find that Rashid’s restitution obligation is not exempt from discharge pursuant to
7 § 523(a)(7).

8 *Id.* at 208 (emphasis added).

9 Likewise, in *In re Towers*, the debtor, through “his firm Update Financial Services
10 Corp. Towers charged a fee for new financing that would stave off impending foreclosures
11 on home mortgages.” *In re Towers*, 162 F.3d 952, 953 (7th Cir. 1998). “Towers promised
12 the homeowners that part of the application fee, and all funds that the homeowners had
13 been required to put into an escrow account, would be returned if refinancing could not be
14 arranged.” *Id.* “But he did not keep that promise, and the State of Illinois alleged in an
15 action commenced in 1986 under the Illinois Consumer Fraud and Deceptive Business
16 Practices Act . . . that he never intended to honor his word.” *Id.* Towers “defaulted in the
17 state proceeding and did not appear for a prove-up of damages.” *Id.* The state court “found
18 in 1991 that Towers had defrauded his customers and imposed a civil penalty of \$ 50,000,
19 ordered Towers to reimburse the state for investigative costs of \$ 50,000, and directed him
20 to pay about \$ 210,000 as restitution.” *Id.* Towers then filed for bankruptcy and sought to
21 discharge the \$210,000 in restitution, and “Illinois asked the bankruptcy court to declare
22 that neither discharge relieves Towers of his obligation to repay his victims in the
23 refinancing scheme.” *Id.* The court noted that 11 U.S.C. § 523(a)(7)’s

24 final requirement—that the amount be “payable to and for the benefit of a
25 governmental unit”—is not so readily satisfied. The state court’s order directs
26 Towers to pay the \$ 210,000 to the Attorney General of Illinois, but for the benefit
27 of the victims of his fraud. In *Kelly* the governmental unit kept the restitution, for
28 the state was itself the victim (the crime was welfare fraud).

29 *Towers*, 162 F.3d at 955. Thus, the court held the “restitution under the Illinois Consumer
30 Fraud and Deceptive Business Practices Act is payable to, but not for the benefit of, the

1 Attorney General of Illinois. It is therefore not protected from discharge by 11 U.S.C. §
2 523(a)(7).” *Id.* at 956.

3 In *In re Dargon*, the debtor “engaged in unlicensed loan modifications and violated
4 various” laws. 638 B.R. 25, 26 (Bankr. D. Mass. 2022). The New Hampshire Banking
5 Department “commenced an administrative proceeding against Drake D. Dargon, Sr.”
6 “alleging that the Debtor engaged in unlicensed loan modifications and violated various
7 provisions of RSA 399-D and RSA 397-A.” *Id.* In an “adjudicative hearing decision,” the
8 “the Presiding Officer assessed fines against the Debtor and awarded restitution to affected
9 consumers in the total amount of \$147,196.99.” *Id.* The debtor “filed a voluntary petition
10 under Chapter 7,” and the Department moved for “summary judgment with regard to its
11 claim for nondischargeability of the restitution award pursuant to § 523(a)(7).” *Id.* at 28.
12 The parties agreed “that the Debtor’s restitution obligation constitutes a debt that is a ‘fine,
13 penalty, or forfeiture’ under § 523(a)(7), but disagree[d] as to whether” “the restitution
14 award” was “‘payable to and for the benefit of a governmental unit,’ because, unlike the
15 criminal restitution payable to a state agency in *Kelly*, the Debtor was ordered in an
16 administrative proceeding to pay restitution to the Identified Consumers.” *Id.* at 29. The
17 court denied the motion, holding:

18 in order to be held nondischargeable under § 523(a)(7), the Court must separately
19 find that a debt is both “payable to” and “for the benefit of” a governmental unit.
20 The Department argues that since the purpose of the restitution award is to protect
21 the public and further the rehabilitative and/or deterrent goals of the government,
22 the debt is for the benefit of a governmental unit and therefore satisfies the second
23 prong of the Richmond test. However, the Court is mindful of the lessons of
24 Conjunction Junction and will not disregard the function of the conjunction “and”
25 as the totality of the circumstances approach would require. This approach to §
26 523(a)(7) does not contravene the Supreme Court’s rationale or holding in *Kelly*,
27 which was concerned with federal court interference with state court criminal
28 proceedings and addressed criminal restitution undisputedly payable to a
governmental agency. The Final Order is clear that the Debtor’s restitution
obligation is payable to the Identified Consumers, not to a governmental unit.

Id. at 32.

1 Similarly, in *In re McNabb*, the “Plaintiffs were victims of a crime committed by the
2 Defendant. The Defendant was sentenced to a fine, probation and an Order of Restitution
3 *to be paid to the Plaintiffs.*” *In re McNabb*, 287 B.R. 820, 821 (Bankr. D. Colo. 2003)
4 (emphasis in original). The plaintiffs sought “entry of a judgment against the Defendant
5 and declaration that the judgment debt is nondischargeable pursuant to 11 U.S.C. §
6 523(a)(7).” *Id.* As the plaintiffs were “not a governmental unit and the debt they seek to
7 except from the debtor’s discharge [wa]s apparently compensation for actual pecuniary
8 loss,” the court held “§ 523(a)(7), by its express language, is not applicable to Plaintiffs
9 and they may not utilize it to except the debt the Defendant owes to them from discharge.”
10 *Id.*

11 As the Ninth Circuit noted in *Albert-Sheridan*, courts have a “duty to follow the law
12 as enacted by Congress, not as judged by our convictions.” *Albert-Sheridan*, 960 F.3d at
13 1195. “This command does not change when the matter involves bankruptcy.” *Id.*
14 “[W]hatever equitable powers remain in the bankruptcy courts must and can only be
15 exercised within the confines of the Bankruptcy Code.” *Id.* (quoting *Norwest Bank*
16 *Worthington v. Ahlers*, 485 U.S. 197, 206 (1988)). The Court is thus “bound to follow the
17 plain meaning of § 523(a)(7) here.” *Albert-Sheridan*, 960 F.3d at 1195.

18 **V. CONCLUSION**

19 Therefore, the Debtor humbly and respectfully requests that the Court DENY
20 Plaintiff Janine B. Jasso, Esq. Motion for Partial Summary Judgment and any other
21 Orders the Court deems just and fair.
22
23

24 DATED: November 21, 2022

Respectfully Submitted,

Jamie Lynn Gallian

JAMIE LYNN GALLIAN
Defendant, IN PRO PER

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JAMIE YNN GALLIAN
16222 Monterey Lane Unit 376
Huntington Beach, CA 92649
(714)321-3449
jamiegallian@gail.com

Defendant IN PRO PER

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA-
SANTA ANA DIVISION**

In re:
JAMIE LYNN GALLIAN,

Debtor.

Case No: 8:21-BK-11710-SC

Honorable Scott C. Clarkson

CHAPTER 7

JANINE B. JASSO, ESQ.

Adv. No. 21-01096

Plaintiff,

v.

JAMIE LYNN GALLIAN

**DECLARATION OF JAMIE LYNN GALLIAN IN
SUPPORT OF DEBTOR'S OPPOSITION TO
PLAINTIFF'S MOTION FOR PARTIAL SUMMARY
JUDGMENT RE: THE FIRST CAUSE OF ACTION
DISCHARGEABILITY OF DEBT UNDER
11 U.S.C. 523(a)(7).**

Defendant.

HEARING Via ZoomGov

Date: December 13, 2022

Time: 1:30 p.m.

Ctrm: 5C

411 W. Fourth St. Santa Ana, CA 92701

I, Jamie Lynn Gallian, declare as follows:

1. I am the Debtor in this adversary proceeding. I make this declaration in OPPOSITION of PLAINTIFFS MOTION FOR PARTIAL SUMMARY JUDGMENT;

2. Attached hereto as **Exhibit 1** is a true and correct of the Huntington Beach Gables Homeowners Association Verified 2/14/2018 STIPULATION-CIVIL HARASSMENT, OCDC 30-2017-00962999 Huntington Beach Gables Homeowners Association vs Jamie L. Gallian

3. Attached hereto as **Exhibit 2** is a true and correct copy of a letter dated July 23, 2022, from the Orange County Probation Depart. to Ms. Gallian confirming discharge 3/25/22 of her probation.

4. Attached hereto as **Exhibit 3** is a true and correct copy of an Order for Victim Restitution dated March 9, 2021 *People Of The State of California v. Jamie Lynn Gallian*, Case No. 18WM05278.

5. Attached hereto as **Exhibit 4** is a true and correct of an [Proposed] Waiver Agreement Letter For Payment Of Victim Restitution and Proposed Waiver of Restitution Hearing sent to debtor from Waymakers, October 2020, *People v Jamie Lynn Gallian*, Case No. 18WM05278.

(B) April 26, 2020, Letter to Waymakers from Janine Jasso

(C) Receipts submitted in October 2020 by Janine Jasso show majority of Janine B. Jasso's claim for restitution entirely consists of civil attorney fees OCSC 30-2018-00986785 Jasso v Gallian; receipts for (2) 2020-Medical Office Visits (During Covid19); receipts for Copy Fees. Jasso, a CA attorney incurred these attorney fees of her own doing "after" the 4/18/18 ex parte "NO STAY AWAY." order.

6. Attached hereto as **Exhibit 5** is a true and correct copy of

(1) **People's Sentencing Brief filed November 26, 2019 by People of the State of California 18WM05278, "Page 5, Line 5-7, it does appear there are No Damages caused by the defendant's criminal conduct." No Probation Department Report was submitted to the Court.**

(2) **Jasso Victim Impact Statement submittd December 8, 2019**, [does not] claim any economic damages or even mention Jasso sustained any damages nor does she mention attorney fees in Civil Case 30-2018-00986785. Jasso was denied attorney fees on 11/29/2018 See Minute Order EX.8. pg.242

(3) **Filed December 12, 2019, Defendant's Notice and Motion For New Trial; Motion To Set Aside Verdicts; Points And Authorities in Support Thereof.**

7. Attached hereto as **Exhibit 6** is a true and correct copy of the

(1) Misdemeanor Minutes 18WM05278 -Pronouncement of Judgment
by the Honorable Timothy S. McConville in the criminal misdemeanor action
against Gallian [filed April 25, 2018] People vs Jamie Gallian on December 12, 2019.

(2) Amended Probation Order dated 12/12/2019;

(3) Certified Reporter's Transcript of 12/12/2019 Sentencing Hearing.

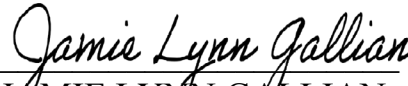
8. Attached hereto as **Exhibit 7** is a true and correct copy of the
Misdemeanor Minutes - Restitution Hearing January 27, 2021, issued by the
Honorable Thomas Glazier.

9. Attached hereto as **Exhibit 8** is a true and correct copy Minute Orders
30-2018-00986785 Jasso v Gallian indicated there was no "Stay Away Order" from
4/18/2018 - 12/17/2018 during the time period Jasso continued to file false police reports
claiming a stay away order, and perjure herself to Superior Court Judge Kevin Haskins
on 6/4/2019 and 8/7/19 alleging Gallian was continuing to violate her protective order
when she knew none existed. The OCDA filed 21 additional counts that caused Jsevere
harm to Gallian when Jasso knew there was a **"Peaceful Contact No Stay Away Order"**
causing Gallian to be detained on August 7, 2019, for the first time in her life. Jasso, an
Officer of the Cour, SBN 170188, abused the process of this Court and the State Court
with her egregious acts causing Gallian financially, emotionally and professionally harm, a
22 year career as a fight crew member that continues to this day through the
embellished lies Jasso files through hundreds of documents with perjured declarations
into Gallian's bankruptcy case as everything Jasso files becomes public record.
As an Officer of the Court, this is SHAMEFUL

Note: The original trial court Judge Thomas S. McConville relocated to Family Court at
Lameroux Superior Court in the City of Orange and was not available to hold the 2021
restitution hearing. No Order of Restitution made by Judge McConville on 12/12/19.

I declare under penalty of perjury the foregoing to be true and correct. Signed this 21st
day of November 2022, at Huntington Beach, California.

DATE 11/21/2022


JAMIE LYNN GALLIAN
Defendant, IN PRO PER

United Airlines December 2019 RapSheet
Jamie L. Gallian.

Gallian has never had even a parking ticket on her record until her life was turned upside down by this HOA in 2017. The home she lived in as a tenant since 2009, was "gifted" to her by her step-mother, BRADLEY. 18 days later Gallian was sued for alleged violations of the Gov. Docs that occurred in 2014, 2015, 2016.

EXHIBIT A

The Gables HOA saw an easy target and tried to steal the unencumbered home from Gallian after Gallian was duped into accepting the Assignment out of Escrow, from her predecessor, BRADLEY, her step-mother, after BRADLEY received a 3/2/2017 Request for Resolution by the HOA Gables threatening to sue Bradley. In Dec. 2017, Bradley gave \$10,000 to HOA. HOA dismissed Bradley from 30-2017-00913985, and continued to torment Gallian.

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Case Number: TSCFP13262386
DOB: 11/16/1962
FBI Number: 1E5NMCD53
Attention: BOSSW270556

Name: GALLIAN, JAMIE L
SSN: 550493936
Event ID: 40326363775
Date Fingerprinted: 04/30/2002

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION
CLARKSBURG, WV 26306

USTSA0NFZ

NCN E2019338000000184059

THE FOLLOWING FBI IDENTIFICATION RECORD FOR 1E5NMCD53 IS FURNISHED FOR
OFFICIAL USE ONLY.
THE TENPRINT BIOGRAPHICS AS SUBMITTED IN THE ORIGINAL TRANSACTION ARE:
NAME GALLIAN, JAMIE L DOB 1962/11/16

DESCRIPTORS ON FILE ARE AS FOLLOWS:

NAME GALLIAN, JAMIE L

SEX	RACE	BIRTH DATE	HEIGHT	WEIGHT	EYES	HAIR
F	U	1962/11/16	509	150	BLUE	BROWN

BIRTH CITY	BIRTH PLACE
UNREPORTED	CALIFORNIA

PATTERN CLASS
LS LS LS LS LS LS LS LS LS LS

OTHER BIRTH DATES	SCARS-MARKS-TATTOOS	SOCIAL SECURITY	MISC NUMBERS
NONE	NONE	550-49-3936	NONE

ALIAS NAME(S)
NONE

END OF COVER SHEET

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION
CLARKSBURG, WV 26306

USTSA0NFZ

NCN E2019338000000184059

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1-ARRESTED OR RECEIVED 2019/08/07 SID- CA23028968
AGENCY-SHERIFF'S OFFICE SANTA ANA (CA0300000)
AGENCY CASE-3128818

FINGERPRINT INFORMATION
BSI/40282513239
PRINT DATE/2019/08/07

PHOTO INFORMATION - 1 PHOTOS AVAILABLE
BSI/40282513238
POSE/ DESC/
PHOTO DATE/2019/08/07

PALMPRINT INFORMATION
BSI/40282513237
PRINT DATE/2019/08/07

CHARGE 1-002 COUNTS OF CONTEMPT, DISOBEY CRT ORDR

RECORD UPDATED 2019/12/04

ALL ENTRIES CONTAINED IN THIS FBI RECORD ARE BASED ON
FINGERPRINT COMPARISONS AND PERTAIN TO THE SAME INDIVIDUAL.

THE USE OF THIS RECORD IS REGULATED BY LAW. IT IS PROVIDED FOR OFFICIAL
USE ONLY AND MAY BE USED ONLY FOR THE PURPOSE REQUESTED.

EXHIBIT 1

1. 2/14/2018 Conformed STIPULATION-CIVIL HARASSMENT; OCSC 30-2017-00962999 FILED BY HUNTINGTON BEACH GABLES HOMEOWNERS ASSOCIATION VS JAMIE L. GALLIAN.
2. 6/14/2018 §1542- General Release of Gallian signed by Janine Jasso, Esq.. Letter of Settlement Agreement re: 3/2/2018 Mandatory Settlement Agreement placed on record in front of Judicial Officer, James L. Crandall. Terms incl. dismissal of the unnoticed, ex parte TRO dated 12/22/2017 & 2/14/2018 30-2017-00962999 Stipulation-Civil Harassment and vacate OSC Hearing 8/15/2018. See #3 7 page Minute Order re HOA MOT to enforce settlement under CCP §664.6. DENIED.
3. Notice of Ruling 7/19/2018 Huntington Beach Gables Homeowners Association Motion 664.4. (7 page Minute Order, Honorable James L. Crandall.
4. 3/2/2018 Certified Reporter's Transcript of Mandatory Settlement Conference. Huntington Beach Gables HOA Janine Jasso, Esq. Representing HOA, Present. Jamie Lynn Gallian with counsel Raquel Flyer, Present.

On March 27, 2018, Jasso was aware that on March 2, 2018, as an Officer of the Court, Janine Jasso, Esq. represented to a Judicial Officer on the record to agree to dismiss the WVTRO, as of March 2, 2018. She baited Gallian and filed a false police report.

DRPA

14

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE JUSTICE CENTER: <input checked="" type="checkbox"/> Central - 700 Civic Center Dr. West, Santa Ana, CA 92701-4045 <input type="checkbox"/> Harbor-Laguna Hills Facility-23141 Moulton Pkwy., Laguna Hills, CA 92653 <input type="checkbox"/> Harbor-Newport Beach Facility - 4601 Jamboree Rd., Newport Beach, CA 92660-2595 <input type="checkbox"/> North - 1275 N. Berkeley Ave., P.O. Box 5000, Fullerton, CA 92838-0500 <input type="checkbox"/> West - 8141 13 th Street, Westminster, CA 92683-4593		FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA- COUNTY OF ORANGE FEB 14 2018 DAVID H. YAMASAKI, Clerk of the Court BY: <u>D. JAMES</u> DEPUTY
PLAINTIFF: <u>HUNTINGTON BEACH GARLES HOMEOWNERS ASSOC.</u>		CASE NUMBER: 2017- 00962999-CH-HR-CJ
DEFENDANT: <u>JAMIE LYNN GALLIAN</u>		
STIPULATION Civil Harassment		

IT IS STIPULATED by plaintiff: Huntington Beach Garles Homeowners Association and
defendant: Jamie Lynn Gallian

☒ Parties agree to the terms stated below. This case shall be dismissed without prejudice, and if the defendant does not comply with the stipulation, the plaintiff must file a new case in order to obtain a restraining order.

☐ ~~Parties agree to the terms stated below. This case shall be dismissed without prejudice, and if the defendant does not comply with the stipulation, the plaintiff must file a new case in order to obtain a restraining order.~~

PLAINTIFF AND DEFENDANT STIPULATE AS FOLLOWS:

- ☐ _____ agree(s) to stay at least (specify): _____ yards
away from: _____ and all other persons named in the Request for Order to Stop
Harassment
- ☐ _____ agree(s) to have no contact (directly or indirectly) with (name):
_____ and all other persons named in the Request for Orders to Stop Harassment.

☒ Other (specify):

The parties agree to a continuance of the hearing on the
permanent restraining order for a period of 6 months.

All provisions of the TRO entered on Dec. 22, 2017, shall remain
in full force & effect pending the hearing on the permanent
restraining order.

All parties understand that they give up their rights to: (1) appeal; and (2) notice of dismissal. They further understand that this stipulation is not an actual restraining order and will not be enforced by any law enforcement agencies.

Date: 2-14-18

Date: 2-14-18

IT IS SO ORDERED

Judge of the Superior Court
TIMOTHY J. STAFFORD
STIPULATION - CIVIL HARASSMENT

(SIGNATURE OF DEFENDANT)

(SIGNATURE OF PLAINTIFF)

Respond to: San Diego office

www.epsten.com
800.300.1704

June 14, 2018

SENT VIA FIRST CLASS MAIL AND E-MAIL

Jamie L. Gallian
4476 Alderport Drive
Huntington Beach, CA 92649

Re: Signed Transcript of Settlement Agreement
Huntington Beach Gables Homeowners Association v. Gallian
OCSC Case No. 30-2017-00913985-CU-CO-CJC
Our File No.: 5786.06

Dear Ms. Gallian:

Attached is the Reporter's Transcript of Proceedings dated March 2, 2018 from the Mandatory Settlement Conference ("Transcript") the parties attended. The Transcript reflects the parties' agreement to a stipulated settlement of the above-referenced matter pursuant to Code of Civil Procedure Section 664.6.

The parties agreed to sign the Transcript on the record at the June 4, 2018 hearing on the OSC re Dismissal. (See June 4, 2018 RT at p. 34, lines 4-20.) You also signed a copy of the Transcript in the jury room of Department 33 in the presence of the Hon. James T. Crandall, but a copy of your signature was not provided to the Association. For the record of the parties, a signature page has been added to the end of the Transcript, and *the Association has signed the Transcript*. Please countersign the Transcript at your earliest convenience and return a copy to me.

We look forward to resolving this lawsuit with you in good faith pursuant to the terms of the stipulated settlement reached on March 2, 2018.

Sincerely,

EPSTEN GRINNELL & HOWELL, APC



Pejman D. Kharrazian

PDK/jac

Enclosure: MSC Transcript from March 2, 2018 signed by the Association
cc: Brenda K. Radmacher, Esq. (via email)

3530622v1

San Diego
10200 Willow Creek Rd., Suite 100
San Diego, California 92131
858.527.0111 • fax 858.527.1531

Coachella Valley
74830 Highway 111, Suite 100
Indian Wells, California 92210
760.836.1036 • fax 760.836.1040

Inland Empire
43460 Ridge Park Dr., Suite 200
Temecula, California 92590
800.300.1704 • fax 858.527.1531

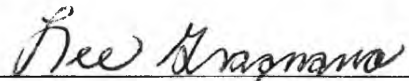
**SETTLEMENT AND RELEASE AGREEMENT PURSUANT TO THE REPORTER'S
TRANSCRIPT OF PROCEEDINGS DATED MARCH 2, 2018**

The parties to the lawsuit, captioned: *The Huntington Beach Gables Homeowners Association v. Bradley et al.*, Orange County Superior Court Case No. 30-2017-00913985-CU-CO-CJC agree to a settlement and mutual release of this lawsuit, including any related cross-actions, pursuant to the terms put on the record before the Court as reflected in the preceding Reporter's Transcript of Proceedings dated March 2, 2018.

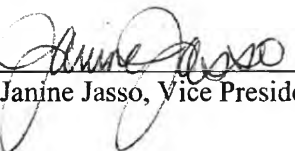
IN WITNESS WHEREOF, the Parties hereto have executed this settlement agreement to be effective as of the date of last execution.

**THE HUNTINGTON BEACH GABLES
HOMEOWNERS ASSOCIATION**

DATED: 6/13, 2018

By: 
Lee Gragnano, President

DATED: 6-13, 2018

By: 
Janine Jasso, Vice President

JAMIE L. GALLIAN

DATED: _____, 2018

By: _____
JAMIE L. GALLIAN

Rian W. Jones, Bar No. 118830
rjones@epsten.com
Pejman D. Kharrazian, Bar No. 279260
pkharrazian@epsten.com
EPSTEN GRINNELL & HOWELL APC
10200 Willow Creek Road, Suite 100
San Diego, California 92131
(858) 527-0111/ Fax (858) 527-1531

ELECTRONICALLY FILED
Superior Court of California,
County of Orange
08/10/2018 at 11:58:00 AM
Clerk of the Superior Court
By e Clerk, Deputy Clerk

Attorneys for Plaintiff
THE HUNTINGTON BEACH GABLES
HOMEOWNERS ASSOCIATION

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

THE HUNTINGTON BEACH GABLES
HOMEOWNERS ASSOCIATION, a
California Nonprofit Mutual Benefit
Corporation,

Plaintiff,

v.

SANDRA L. BRADLEY, individually and
as Trustee of the Sandra L. Bradley Trust;
JAMIE L. GALLIAN, an individual; and
DOES 1 through 25, inclusive,

Defendants.

CASE NO. 30-2017-00913985-CU-CO-CJC

Judge: James L. Crandall
Dept.: C33

**NOTICE OF RULING ON PLAINTIFF'S
MOTION TO ENFORCE SETTLEMENT
AND ENTER JUDGMENT PURSUANT TO
THE TERMS OF STIPULATED
SETTLEMENT (CODE OF CIVIL
PROCEDURE § 664.6)**

Motion Hearing
Date: July 19, 2018
Time: 1:30 p.m.
Dept: C33

First Amended Complaint Filed: May 16, 2017
Trial Date: December 10, 2018

AND ALL RELATED CROSS-ACTIONS

**TO THIS HONORABLE COURT AND TO ALL PARTIES AND THEIR
ATTORNEYS OF RECORD HEREIN:**

PLEASE TAKE NOTICE that on July 19, 2018 at 1:30 p.m. in Department 33 of the
above-entitled court, located at 700 Civic Center Drive West, Santa Ana, CA 92701, this Court
held a hearing on Plaintiff's Motion to Enforce Settlement and Enter Judgment pursuant to the
terms of Stipulated Settlement (Code of Civil Procedure § 664.6). After hearing argument

- 1 -

NOTICE OF RULING ON PLAINTIFF'S MOTION TO ENFORCE SETTLEMENT AND ENTER
JUDGEMENT PURSUANT TO THE TERMS OF STIPULATED SETTLEMENT (CCP §664.6)

1 from Defendant JAMIE L. GALLIAN and counsel for Plaintiff, the Court denied Plaintiff's
2 Motion to enforce settlement.

3 The Jury Trial set for August 6, 2018 is ordered continued to December 10, 2018 at
4 9:00 AM. All discovery cutoff dates and deadlines are continued and shall track the December
5 10, 2018 trial date.

6 Attached hereto as Exhibit A is a true and correct copy of the Court's July 19, 2018
7 Minute Order.

8
9 Dated: July 30, 2018

EPSTEN GRINNELL & HOWELL, APC

10
11 By: 

12 Rian W. Jones
13 Pejman D. Kharrazian
14 Attorneys for Plaintiff
15 THE HUNTINGTON BEACH GABLES
16 HOMEOWNERS ASSOCIATION
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**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER**

MINUTE ORDER

DATE: 07/19/2018 TIME: 01:30:00 PM DEPT: C33

JUDICIAL OFFICER PRESIDING: James Crandall

CLERK: P. Rief

REPORTER/ERM: Candace Khorouzan

BAILIFF/COURT ATTENDANT: Julie Carney

CASE NO: **30-2017-00913985-CU-CO-CJC** CASE INIT.DATE: 04/11/2017

CASE TITLE: **The Huntington Beach Gables Homeowners Association vs. Bradley**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Contract - Other

EVENT ID/DOCUMENT ID: 72819785

EVENT TYPE: Motion to Enforce Settlement

MOVING PARTY: The Huntington Beach Gables Homeowners Association

CAUSAL DOCUMENT/DATE FILED: Motion - Other Enforce Settlement, 06/22/2018

EVENT ID/DOCUMENT ID: 72852524

EVENT TYPE: Motion - Other

MOVING PARTY: Jamie L. Gallian

CAUSAL DOCUMENT/DATE FILED: Motion - Other to Withdraw Memorandum of Cost, 07/17/2018

EVENT ID/DOCUMENT ID: 72842898

EVENT TYPE: Motion to Strike or Tax Costs

MOVING PARTY: Ted Phillips, Lindy Beck, Jennifer Paulin, Lee Gragnano, Janine Jasso, Lori Burrett

CAUSAL DOCUMENT/DATE FILED: Motion to Strike or Tax Costs, 02/28/2018

APPEARANCES

Pejman D. Kharrazian, Esq. and Joyce J. Kapsal, Esq., from Epsten Grinnell & Howell, APC, present for Cross - Defendant,Plaintiff(s).

Brenda K. Radmacher, Esq., from Gordon & Rees LLP, present for Cross - Defendant,Plaintiff(s).

Jamie Gallian, present.

1. MOTION BY PLAINTIFF/CROSS-DEFENDANT THE HUNTINGTON BEACH GABLES HOMEOWNERS ASSOCIATION TO ENFORCE SETTLEMENT AND ENTER JUDGMENT PURSUANT TO THE TERMS OF STIPULATED SETTLEMENT

Tentative Ruling posted on the Internet.

The court hears oral argument. The court, having fully considered the arguments of all parties, both written and oral, as well as the evidence presented, rules as follows: The Tentative Ruling will become the final ruling of the court.

Motion by Plaintiff/Cross-defendant The Huntington Beach Gables Homeowners Association to Enforce Settlement and Enter Judgment Pursuant to the Terms of Stipulated Settlement:

DATE: 07/19/2018

MINUTE ORDER

DEPT: C33

Page 1
Calendar No.

CASE TITLE: The Huntington Beach Gables
Homeowners Association vs. Bradley

CASE NO: 30-2017-00913985-CU-CO-CJC

Moving Party's Request for Judicial Notice [RJN]:

In support of the original moving papers, moving party filed a Notice of Lodgment [NOL] with all of its supporting exhibits, which also requests judicial notice of all of Moving Party's supporting exhibits.

The court grants grant judicial notice as to Ex. A [certified reporter's transcript of the 3-2-18 MSC hearing], Ex. E [certified reporter's transcript of the 6-4-18 OSC hearing], and Ex. J [a criminal complaint filed against responding party Gallian for allegedly violating the restraining order issued in OCSC Case No. 2017-00962999].

All of these documents are properly subject to judicial notice as court records. (Ev. 452(d)(1).) However, as to Ex. J, the court will take judicial notice of the fact that the complaint was filed, but not of the truth of its contents. A court may take judicial notice of the existence of documents in court files, but can only take judicial notice of the truth of facts asserted in such documents as orders, findings of fact and conclusions of law, and judgments. (6 Witkin, Cal. Proc. 5th (2008), Chapter VII, "Proceedings Without Trial," Section 232, p. 674, citing *In re David C.* (1984) 152 Cal.App.3d 1189, 1205.)

The court denies the remainder of the RJN. The remaining documents consists of letters and emails between Moving Party and Responding Party [or their counsel] (MP Exs. C, D, F-H, N], photos of RP allegedly re-installing a corrugated roof (MP Ex. I), copies of numerous police reports allegedly filed against RP by various other residents (MP Exs. L, M, O-S), and an email allegedly from a police detective to MP HOA (MP Ex. S). There is no basis under Evidence Code sec. 452 to take judicial notice of emails, letters, or police reports.

However, these exhibits are otherwise properly authenticated by the various declarations submitted with the moving papers, and there are no evidentiary objections by RP defendant; thus, the court will consider them, despite the fact that many are not properly subject to judicial notice.

Moving Party Reply RJN:

With the Reply, MP submitted a supplemental notice of lodging and request for judicial notice, requesting judicial notice of 14 letters from association residents. The Reply indicates these letters are "from Association residents complaining about Ms. Gallian's bad acts, bullying, harassment, and intimidation." (Reply at 6:16-18.) There are no letters attached to the Reply NOL.

The court denies MP's Reply RJN, because (1) MP does not provide copies of the documents requested (CRC 3.1306(c)); (2) for the same reason, MP has not provided the court with sufficient information to enable it to take judicial notice (Ev. 453(b)); and (3) for the same reason, as well as the fact that the request was not made until the Reply, MP has not provided Responding Party with sufficient notice of the request (Ev. 453(a)).

Merits:

In comparing the terms Moving Party contends are part of the settlement agreement, with the transcript of the MSC hearing (MP Ex. A), there are too many discrepancies and inconsistencies to find an enforceable settlement, or a "meeting of the minds" as to several key terms, which are disputed.

CCP 664.6 states:

If parties to pending litigation stipulate, in a writing signed by the parties outside the presence of the

CASE TITLE: The Huntington Beach Gables
Homeowners Association vs. Bradley

CASE NO: 30-2017-00913985-CU-CO-CJC

court or orally before the court, for settlement of the case, or part thereof, the court, upon motion, may enter judgment pursuant to the terms of the settlement. If requested by the parties, the court may retain jurisdiction over the parties to enforce the settlement until performance in full of the terms of the settlement.

A motion to enforce settlement may be decided on declarations. (*Corkland v. Boscoe* (1984) 156 Cal.App.3d 989, 994.) Moreover, CCP 664.6 provides the court authority to interpret settlement terms and determine disputed factual matters regarding the settlement agreement, based on contract principles, but not to add material terms which were not agreed to by the parties. (*Weddington Productions, Inc. v. Flick* (1998) 60 Cal.App.4th 793, 809.) “[N]othing in section 664.6 authorizes a judge to create the material terms of a settlement, as opposed to deciding what terms *the parties themselves* have previously agreed upon.” (*Id.* at 810)

Moving Party has shown that at the MSC on 3-2-18, plaintiff HOA and defendant Gallian reached a settlement agreement, the terms of which were placed on the record. (MP Ex. A [Certified Reporter's Transcript of the March 2, 2018 MSC (“MSC RT”).] The parties also stipulated, and the court agreed on the record, to retain jurisdiction to enforce the settlement pursuant to Code of Civil Procedure section 664.6, and to enter judgment pursuant to the terms of the settlement if necessary. (MP Ex. A at 31:9-21.)

However, MP's summary of the terms of the settlement [moving papers at 9:25-10:23] is inaccurate in numerous respects. More importantly, as to several of the key terms, the MSC transcript shows that the terms were unclear, or that there was no agreement at all. Moreover, Responding Party has a point that the proposed written settlement agreements proposed by Moving Party attorney (MP Exs. D, F, G) include terms which do not appear to be part of the settlement.

First, according to MP, the terms of the stipulated settlement were as set forth at 9:25-10:23 of the moving papers. However, the transcript of the MSC is inconsistent with settlement agreement.

There are also disputes as to the terms of key provisions of the settlement, and thus disputes as to whether the parties in fact reached an agreement as to these terms at all.

First, MP contends the settlement included an agreement that Association would withdraw the preliminary injunction issued by the court on January 11, 2018, but that the terms of the preliminary injunction were incorporated into the settlement agreement. (Moving papers at 10:9-11, citing MSC RT at p. 9, 12-13.) However, review of the MSC transcript in fact shows that RP objected to incorporating all of the terms of the preliminary injunction. (*Id.* at 10:11-14:6.) Defendant Gallian in fact only agreed to the following:

1. RP will not make any other modifications, additions, or improvements without prior approval by the board, requested through counsel. (MSC RT at 10:6-9, 12:13-23.)
2. RP agreed to abide by the CC&Rs, and HOA rules and regulations. (*Id.* at 12:20-24.)
3. If RP believed there was an area not being watered or that something is not being done [in common areas], she would contact her counsel and have counsel contact the HOA attorney so it could be addressed. (*Id.* at 14:2-13.)

Second, MP also contends that “the parties agreed to a stipulation to the terms of the ... WVTRO ... [o]nce the stipulation is executed, the Association will dismiss the WVTRO without prejudice and vacate the hearing set for August 15, 2018 ... [but] [i]f Ms. Gallian violates the stipulation, the Association may go back to Court to reinstate the WVTRO.” (Moving papers at 10:12-15, citing MSC RT at p. 15, 32-33.)

CASE TITLE: The Huntington Beach Gables
Homeowners Association vs. Bradley

CASE NO: 30-2017-00913985-CU-CO-CJC

This is not accurate either. The transcript at first indicates that Association will dismiss WVTR0 action as of the date of the MSC (MSC RT at 14:17-19, 15:5-13); that Gallian will not talk to, photograph, make gestures to, or approach any of the board members (*Id.* at 14:19-22); that Gallian will not come onto board members' property; (*Id.* at 14:22) and that if Gallian violates these terms, HOA may refile the WVTR0 action (*Id.* at 14:23-24). However, the transcript goes on to state:

MR. KHARRAZIAN: RIGHT. SO THE TERMS -- BASICALLY THEY'LL BE A STIPULATION TO THE TERMS OF THE CURRENT ORDER BUT THE ORDER WILL BE DISMISSED AND DISSOLVED AT THE --

MS. GALLIAN: TODAY.

MR. KHARRAZIAN: AS OF TODAY.

THE COURT: ALL RIGHT. I --

MR. KHARRAZIAN: OR AS SOON AS WE CAN GET BEFORE JUDGE STAFFORD AND --

THE COURT: I THINK THAT'S A REASONABLE COMPROMISE BY THE BOARD. AND I THANK YOU FOR THAT.

MS. GALLIAN: RIGHT.

(*Id.* at 15:5-16.)

MS. GALLIAN: I WANT TO MAKE SURE THE LAST THING IS THE TWO REPRESENTATIVES WHO CAN SIGN ON BEHALF OF THE BOARD ARE HERE TO TAKE THE W.V. OFF. THEY CAN DISMISS IT.

THE COURT: YEAH.

MS. GALLIAN: TODAY.

THE COURT: EVERYTHING STOPS.

MR. KHARRAZIAN: HANG ON. ACTUALLY I THINK THE AGREEMENT WAS THAT COUNSEL, MS. FLYER, WILL FILE --

MS. FLYER: STIPULATION.

MR. KHARRAZIAN: -- THE REQUEST WITH THE WORKPLACE VIOLENCE TRO DEPARTMENT TO ENTER INTO THE STIPULATION, SO I'M NOT SURE THAT THAT CAN HAPPEN TODAY. BUT IT'S -- IT'S --

MS. FLYER: IT WILL HAPPEN AS SOON AS I CAN --

MR. KHARRAZIAN: MS. GALLIAN'S COUNSEL'S CONTROL.

CASE TITLE: The Huntington Beach Gables
Homeowners Association vs. Bradley

CASE NO: 30-2017-00913985-CU-CO-CJC

MS. FLYER: AS SOON AS I CAN FEASIBLY DO IT, I WILL DO IT.

THE COURT: THANKS.

MS RADMACHER: AND THE BOARD WILL - - AND MEMBERS AS NEEDED WILL COOPERATE
WITH COUNSEL TO EXECUTE ANY DOCUMENTS NEEDED TO ALLOW THAT TO HAPPEN.

MS. FLYER: THANK YOU.

MS. GALLIAN: BUT AS OF RIGHT NOW, THERE'S NOTHING -- THERE'S NO - -

THE COURT: AND ONE FINAL WORD - -

MS. GALLIAN: THERE'S NO WORKPLACE VIOLENCE, AT ALL.

(*Id.* at 32:3-33:5.)

The foregoing shows that the alleged terms of that portion of the stipulated settlement regarding incorporating the WVTRO terms are entirely unclear. "A settlement agreement that incorporates other documents can be enforced pursuant to § 664.6 if there was a "meeting of the minds" regarding the terms of the incorporated documents." (Weil & Brown, Rutter Group, *Civil Procedure Before Trial*, Chapter 12(II)-F, Section 12:955.6, citing *Weddington Productions, Inc. v. Flick*, *supra* at 813; emphasis added.)

Here, however, it does not appear that there was any "meeting of the minds" as to what terms of the stipulation to resolve the WVTRO were in fact to include; whether the stipulation to resolve the WVTRO was to be entered in that action, or incorporated into the settlement in the current action; or when the HOA would dismiss the WVTRO action [either as of the date of the MSC, or upon entry of the settlement].

As this is a key term of the purported settlement, and as there does not appear to be a "meeting of the minds" as to the terms of resolution of the WVTRO action, it is unclear how the court could enter judgment of this disputed terms.

Thus, the motion is denied on this basis, as the court cannot grant a CCP 664.6 motion to enforce only a portion of the settlement: "[W]hile the court may, under certain circumstances, reject a settlement agreement as a whole, it may *not* approve only *part* of it for § 664.6 enforcement without the parties' mutual consent." (Weil & Brown, Rutter Group, *Civil Procedure Before Trial*, Chapter 12(II)-F, Section 12:979.2, citing *Leeman v. Adams Extract & Spice, LLC* (2015) 236 Cal.App.4th 1367, 1375; emphasis in original.)

"Moreover, to be binding, the agreement must be *sufficiently definite* to enable courts to give it an exact meaning. If an essential element is reserved for future agreement, it is not definite enough. [Citations.]" (*Id.* at Section 12:955.5.) Here, at least as to the terms of resolution of the WVTRO action, the settlement does not appear to be sufficiently definite to be enforceable.

The court notes that the MSC transcript indicates that the settlement also included additional terms, which MP does not address or discuss:

1. Association was to dismiss this action upon payment of the \$15K by Gallian. (MSC RT at 16:6-8.)

CASE TITLE: The Huntington Beach Gables
Homeowners Association vs. Bradley

CASE NO: 30-2017-00913985-CU-CO-CJC

2. Association would place no further assessments on Gallian's account related to this litigation, including the "tree removal," although Association was not waiving any future claims regarding the "tree removal." (*Id.* at 16:16-25.)
3. Gallian acknowledged HOA's claim of authority to work exclusively in the common area, and agreed not to do any further work in the common area. (*Id.* at 18:2-19:8.)
4. Both the Board and Gallian would comply with the HOA governing documents. (*Id.* at 25:2-11.)
5. Other than any disclosures that the Board is obligated by law to make to its members, the parties are not to make any disclosures about this lawsuit. (*Id.* at 25:14-26:7.)
6. Gallian's five storage bins could remain in place for 90 days or until she moved, whichever came first, and after which time they would be moved "to the parallel parking spots that are across the street from where they are." (*Id.* at 27:5-28:18.)

MP fails to explain why the court should enter a judgment which do not include the above terms.

The motion by plaintiff The Huntington Beach Gables Association to enforce settlement is **denied**. (CCP § 664.6.)

The court finds that the parties did not reach a "meeting of the minds" as to several key terms of the settlement, including allegedly incorporating the terms of the preliminary injunction previously entered in this action, and resolution of the separate Workplace Violence Temporary Restraining Order action.

The request for judicial notice by plaintiff The Huntington Beach Gables Association in support of the moving papers is granted as to Exs. A, E and J. (Ev. 452(d).) As to Ex. J, the court takes judicial notice of the fact that the document was filed, but not of the truth of its contents. (*In re David C.* (1984) 152 Cal.App.3d 1189, 1205.)

Moving party to give notice.

2. MOTION BY CROSS-DEFENDANTS LEE GRAGNANO, TED PHILLIPS, LINDY BECK, JENNIFER PAULIN, JANINE JASSO AND LORI BURRETT TO STRIKE MEMORANDUM OF COSTS

Tentative Ruling posted on the Internet.

The court hears oral argument. The court, having fully considered the arguments of all parties, both written and oral, as well as the evidence presented, rules as follows: The Tentative Ruling will become the final ruling of the court.

Motion by Cross-defendants Lee Gragnano, Ted Phillips, Lindy Beck, Jennifer Paulin, Janine Jasso and Lori Burrett to Strike Memorandum of Costs:

The motion by cross-defendants Lee Gragnano, Ted Phillips, Lindy Buck, Jennifer Paulin, Janine Jasso, and Lori Burrett to strike the Memorandum of Costs filed by cross-complainant Jamie Gallian is **granted**.

Cross-complainant Gallian dismissed these moving parties; thus, moving parties are the prevailing parties entitled to costs, not Gallian. (CCP 1032(a)(2), (a)(4); CRC 3.1700(b).)

Prevailing parties to give notice.

3. FURTHER RULINGS

CASE TITLE: The Huntington Beach Gables
Homeowners Association vs. Bradley

CASE NO: **30-2017-00913985-CU-CO-CJC**

The Jury Trial set for 08/06/2018 is ordered continued to 12/10/2018 at 9:00 AM.

All discovery cutoff dates and deadlines are continued and shall track the 12/10/2018 trial date.

Discovery issues to be addressed by formal motion.

SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF ORANGE		FOR COURT USE ONLY
TITLE OF CASE (ABBREVIATED): The Huntington Beach Gables Homeowners Association v. Bradley, et al.		
ATTORNEY(S) NAME AND ADDRESS: Rian W. Jones, Esq. (SBN: 110830) Pejman D. Kharrazian, Esq. (SBN: 279260) Epstein Grinnell & Howell, APC 10200 Willow Creek Rd., Suite 100 San Diego, California 92131		
TELEPHONE (858) 527-0111		
FACSIMILE (858) 527-1531		
ATTORNEYS FOR: The Huntington Beach Gables Homeowners Assoc.	HEARING: DATE-TIME-DEPT	CASE NUMBER 30-2017-00913985-CU-CO-CJC

DECLARATION OF SERVICE

I, Joy A. Carpio, declare: that I am, and was at the time of service of the papers herein referred to, over the age of 18 years, and not a party to the action; and I am employed in the County of San Diego, California, within which county the subject service occurred. My business address is 10200 Willow Creek Rd., Suite 100, San Diego, California 92131. On July 30, 2018 served the following document(s):

NOTICE OF RULING ON PLAINTIFF'S MOTION TO ENFORCE SETTLEMENT AND ENTER JUDGMENT PURSUANT TO THE TERMS OF STIPULATED SETTLEMENT (CODE OF CIVIL PROCEDURE § 664.6)

of which the original document(s), or a true and correct copy, is attached, by placing a copy thereof in a separate envelope for each addressee named hereafter, addressed to each such addressee respectively as follows:

Jamie L. Gallian 4476 Alderport Dr. Huntington Beach, CA 92649 Email: Jamiegallian@gmail.com	Defendant and Cross-Complainant, in pro per
Brenda Radmacher James Hawley GORDON REES SCULLY MANSUKHANI LLP 633 West Fifth Street, 52 nd Floor Los Angeles, CA 90071 (213) 576-5000 / Fax: (213) 680-4470 bradmacher@grsm.com / jhawley@grsm.com	Attorneys for Huntington Beach Gables Homeowners Association on Cross-Complaint

☒ **(BY MAIL)** I caused a true copy of each document, placed in a sealed envelope with postage fully paid, to be placed in the United States mail at San Diego, California. I am "readily familiar" with this firm's business practice for collection and processing of mail, that in the ordinary course of business said document(s) would be deposited with the U.S. Postal Service on that same day. I understand that the service shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit for mailing contained on this affidavit.

☐ **(BY OVERNIGHT DELIVERY)** I caused a true copy of each document, placed in a sealed envelope with delivery fees provided for, to be deposited in a box regularly maintained by Overnight Express. I am readily familiar with this firm's practice for collection and processing of documents for overnight delivery and know that in the ordinary course of Epstein Grinnell & Howell, APC business practice the document(s) described above will be deposited in a box or other facility regularly maintained by Overnight Express or delivered to a courier or driver authorized by Overnight Express to receive documents on the same date it is placed at Epstein Grinnell & Howell, APC for collection.


The Huntington Beach Gables Homeowners Association v. Bradley, et al.
Case No. 30-2017-00913985

Declaration of Service

☒ **(BY E-MAIL OR ELECTRONIC TRANSMISSION)** Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses listed in the above Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on July 30, 2018, at San Diego, California.



Joy A. Carpio

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE - CENTRAL JUSTICE CENTER
DEPARTMENT C33

THE HUNTINGTON BEACH GABLES HOMEOWNERS)
ASSOCIATION, A CALIFORNIA NONPROFIT)
MUTUAL BENEFIT CORPORATION,)

PLAINTIFF,)

VS.)

NO. 30-2017-
00913985-CU-
CO-CJC

SANDRA L. BRADLEY, INDIVIDUALLY AND AS)
TRUSTEE OF THE SANDRA L. BRADLEY TRUST;)
JAMIE L. GALLIAN, AN INDIVIDUAL; AND)
DOES 1 THROUGH 25, INCLUSIVE,)

DEFENDANTS.)

AND RELATED CROSS-ACTIONS.)

HONORABLE JAMES CRANDALL, JUDGE PRESIDING

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MARCH 2, 2018

ORIGINAL

APPEARANCES OF COUNSEL:

FOR THE PLAINTIFF/
CROSS-DEFENDANT:

PEJMAN D. KHARRAZIAN
ATTORNEY AT LAW

BRENDA K. RADMACHER
ATTORNEY AT LAW

FOR THE DEFENDANT/
CROSS-COMPLAINANT:

RAQUEL FLYER
ATTORNEY AT LAW

AMBER HOGATE, CSR NO. 13525
OFFICIAL COURT REPORTER

1 SANTA ANA, CALIFORNIA; FRIDAY, MARCH 2, 2018

2 MORNING SESSION

3 (PROCEEDINGS IN OPEN COURT)

4 * * *

5
6 THE COURT: OKAY. HUNTINGTON BEACH
7 HOMEOWNER'S ASSOCIATION -- I'M SORRY, HUNTINGTON BEACH
8 GABLES HOA VERSUS BRADLEY, BUT NOW GALLIAN. GALLIAN.
9 OKAY. AND -- OFF THE RECORD.

10 (WHEREUPON A BRIEF RECESS WAS TAKEN)

11 THE COURT: LET'S HAVE COUNSEL STATE THE
12 SETTLEMENT AGREEMENT.

13 MR. KHARRAZIAN: THANK YOU, YOUR HONOR.
14 PEJMAN KHARRAZIAN ON BEHALF OF HUNTINGTON BEACH GABLES
15 HOMEOWNERS ASSOCIATION.

16 MS. RADMACHER: BRENDA RADMACHER ON BEHALF OF
17 HUNTINGTON BEACH GABLES HOMEOWNERS ASSOCIATION AS WELL.

18 THE COURT: AND THE REPRESENTATIVES FROM THE
19 ASSOCIATION?

20 MR. GRAGANO: LEE GRAGANO, BOARD PRESIDENT FOR
21 HUNTINGTON BEACH GABLES.

22 MS. JASSO: JANINE JASSO, VICE PRESIDENT FOR
23 THE HUNTINGTON BEACH GABLES.

24 MS. FLYER: RAQUEL FLYER FOR JAMIE GALLIAN.

25 MS. GALLIAN: JAMIE GALLIAN, HOMEOWNER.

26 THE COURT: OKAY. WHO WANTS TO CITE THE TERMS

1 FOR THE RECORD?

2 MR. KHARRAZIAN: I WILL CITE IT AND RAQUEL CAN
3 CORRECT ME -- IF COUNSEL CAN CORRECT ME IF, YOU KNOW,
4 THERE'S ANYTHING -- IF THERE'S AN ISSUE.

5 SO FIRST ITEM IS THE AC UNIT -- AIR
6 CONDITIONING UNIT THAT IS IN THE COMMON AREA. THE
7 ASSOCIATION WILL REMOVE IT AND REINSTALL IT WITHIN
8 MS. GALLIAN'S ENCLOSED PATIO AREA AT A LOCATION OF ITS
9 CHOOSING, AND MS. GALLIAN WILL RELEASE THE ASSOCIATION
10 FROM ANY AND ALL CLAIMS RELATED TO THE MOVING OF THE AIR
11 CONDITION UNIT.

12 MS. FLYER: AND -- SORRY. ONE POINT. THE
13 ASSOCIATION WILL HIRE -- IT WILL BE A LICENSED
14 CONTRACTOR.

15 MS. GALLIAN: PERMITTED.

16 MS. FLYER: PERMITTED.

17 MR. KHARRAZIAN: AGREED.

18 NEXT, THE -- MS. GALLIAN WILL EITHER REMOVE
19 THE ROLL-DOWN SUN SHADES OR AWNINGS, OR ALTERNATIVELY
20 SHE CAN KEEP THEM IN PLACE ON A NON-TEMPORARY BASIS
21 USING HOOKS.

22 MS. GALLIAN: AND THEY -- THEY -- THEY ARE
23 REMOVABLE. THEY ARE FLEX -- YOU KNOW, I CAN TAKE THEM
24 UP OR DOWN AND PUT THEM IN THE GARAGE IN OFFSEASON. SO
25 THAT'S THE WAY THEY ARE ALREADY.

26 THE COURT: ALL RIGHT.

1 MR. KHARRAZIAN: MS. GALLIAN WILL REMOVE THE
2 GUTTERS -- ALL GUTTERS THAT ARE CURRENTLY ATTACHED TO
3 THE PATIO COVER AND RESTORE THE DRAINAGE AS IT WAS
4 PRIOR.

5 NEXT ITEM, THE ASSOCIATION WILL INSPECT THE
6 EXTERIOR STUCCO WALL AFTER THE GUTTER REMOVAL AND
7 RESTORATION IS COMPLETE. MS. GALLIAN WILL REMOVE --

8 MS. RADMACHER: AND BEFORE YOU LEAVE THAT
9 POINT, IF THERE ARE ANY DAMAGES TO THAT COMMON AREA
10 STUCCO WALL, MS. GALLIAN WILL BE RESPONSIBLE FOR THE
11 COST TO REPAIR THAT, IF ANY. WE DON'T KNOW THAT THERE
12 IS ANY THOUGH.

13 THE COURT: YEAH.

14 MS. GALLIAN: THERE HAS BEEN NOTHING --
15 THERE'S BEEN NOTHING EVER ATTACHED TO IT. IF WE'RE
16 TALKING ABOUT LESLIE'S WALL, NOTHING'S EVER BEEN
17 ATTACHED TO IT. IT WAS VERY SPECIFIC NOT TO ATTACH
18 ANYTHING.

19 THE COURT: THEN THAT'S A FAIR RESOLUTION OF
20 THAT POINT.

21 MR. KHARRAZIAN: THAT SOUNDS GOOD.

22 MS. GALLIAN: SURE. ABSOLUTELY.

23 THE COURT: NEXT POINT.

24 MR. KHARRAZIAN: NEXT POINT, MS. GALLIAN WILL
25 REMOVE ALL SPRINKLERS, HOSES, AND IRRIGATION FROM ALL
26 COMMON AREA, WHICH INCLUDES THE SIDE PLANTER NEXT TO HER

1 FENCE THAT SURROUNDS HER PATIO, AS WELL AS THE PLANTER
2 AREAS THAT ARE ADJACENT TO THE FRONT ENTRANCE OF HER
3 UNIT.

4 MS. GALLIAN WILL REMOVE THE -- ANY --

5 THE COURT: AND BY THE WAY, ON THAT POINT,
6 SHE'S AUTHORIZED TO ENTER THE COMMON AREA TO DO THAT.

7 MR. KHARRAZIAN: CORRECT.

8 THE COURT: OKAY.

9 MR. KHARRAZIAN: FOR THE SOLE PURPOSE OF THE
10 ITEMS THAT ARE RELATED TO THIS SETTLEMENT.

11 THE COURT: YES.

12 MR. KHARRAZIAN: ALSO, SHE'LL REMOVE ALL
13 HARDSCAPE, INCLUDING THE SCALLOP BRICK MOW BORDERS.

14 MS. GALLIAN: NO. THAT WAS NOT PART OF THE
15 DEAL.

16 MS. FLYER: SO THE -- THE PLANTS AND THE
17 SCALLOP BRICK THAT ARE -- THE ASSOCIATION SAYS ARE IN
18 THE COMMON AREAS.

19 MR. KHARRAZIAN: YEAH.

20 MS. FLYER: THE ASSOCIATION WILL REMOVE --
21 WILL REMOVE THOSE AFTER SHE SELLS THE HOUSE.

22 THE COURT: AFTER SHE LEAVES.

23 MS. FLYER: AFTER SHE LEAVES.

24 MS. GALLIAN: YOU KNOW, NOTICE THE NEW OWNERS.

25 THE COURT: AT THE 90-DAY POINT WHEN SHE
26 LEAVES, ANYTHING THAT'S IN THE COMMON AREA, THE

1 HOMEOWNERS ASSOCIATION HAS THE RIGHT TO REMOVE.

2 MR. KHARRAZIAN: OKAY. NOW THAT NEEDS TO BE
3 DISCLOSED THEN. MS. GALLIAN NEEDS TO AGREE TO DISCLOSE
4 THAT TO THE POTENTIAL BUYER --

5 THE COURT: YEAH. THE ISSUE IS --

6 MR. KHARRAZIAN: -- SO THEY DON'T THINK
7 THEY'RE GETTING SCALLOP BRICK.

8 THE COURT: THE QUESTION IS WHERE THE LINE IS
9 BETWEEN HER SPACE AND THE COMMON AREA.

10 MS. GALLIAN: THAT'S RIGHT.

11 THE COURT: SO THE WAY TO RESOLVE IT IS YOU
12 CAN REMOVE THEM AS SOON AS SHE'S GONE.

13 MR. KHARRAZIAN: OKAY. UPON SALE THEN,
14 ASSOCIATION --

15 MS. GALLIAN: SO HOLD ON FOR A SECOND. LET'S
16 JUST MAKE SURE -- BECAUSE I DON'T WANT TO MISLEAD MY
17 BUYER.

18 THE COURT: HE'S SAYING IT. UPON SALE,
19 ASSOCIATION --

20 MR. KHARRAZIAN: UPON SALE, THE ASSOCIATION
21 WILL RESTORE ALL COMMON AREA INCLUDING REMOVING THE
22 HARD -- ALL HARDSCAPE AND SCALLOPED BRICK MOW BORDERS.

23 MS. FLYER: BEFORE DOING SO, THE HOMEOWNERS
24 ASSOCIATION WILL GIVE NOTICE TO THE NEW OWNER OF THE
25 UNIT THAT IT WILL BE DOING THAT. AND --

26 MS. GALLIAN: SO THAT THEY DON'T FEEL SINGLED

1 OUT. YOU KNOW, THAT IF THEY WANT TO REDO THE
2 LANDSCAPING, THAT IT'S EVERYBODY'S THAT THEY'RE REDOING.

3 THE COURT: THAT'S FAIR.

4 MR. KHARRAZIAN: THAT'S FAIR, AND THAT GOES
5 BACK TO MY POINT THAT MS. GALLIAN WILL GIVE NOTICE OF
6 ALL THIS TO THE POTENTIAL BUYER SO NONE OF THIS IS A
7 SHOCK.

8 THE COURT: THAT'S FAIR. TO BOTH SIDES.

9 MS. GALLIAN: ABSOLUTELY.

10 MR. KHARRAZIAN: GREAT. NEXT, LET'S SEE.
11 THE -- ALL POTTED PLANTS IN ANY OF THE COMMON AREA
12 INCLUDING THE TWO PLANTER AREAS WE DISCUSSED, ANY
13 SIDEWALK AREAS, WILL BE BY MS. GALLIAN.

14 MS. GALLIAN: THERE ISN'T ANY ON THE SIDEWALK
15 AREA. THEY'RE ON MY PORCH. MY SEPARATE PROPERTY PORCH
16 AND MY WHEELCHAIR RAMP AND I PAID FOR THAT.

17 THE COURT: HE'S TALKING ABOUT THE SIDEWALK
18 AREA.

19 MS. GALLIAN: I KNOW. I DON'T HAVE ANY IN THE
20 SIDEWALK.

21 MR. KHARRAZIAN: SO ALL POTTED PLANTS WILL BE
22 REMOVED. IF ANY POTTED PLANTS REMAIN AFTER MS. GALLIAN
23 SELLS AND LEAVES, THE ASSOCIATION WILL HANDLE
24 ACCORDINGLY.

25 MS. GALLIAN: AGREED.

26 THE COURT: GREAT. GOOD IDEA.

1 MR. KHARRAZIAN: THE BENCH THAT IS IN THE
2 COMMON AREA PLANTER BED ADJACENT TO THE FRONT OF HER
3 HOME WILL BE REMOVED BY MS. GALLIAN.

4 MS. GALLIAN: AT -- AGREED. WHEN I LEAVE.

5 MR. KHARRAZIAN: UPON SALE.

6 MS. GALLIAN: YEP. THAT'S AGREED.

7 MR. KHARRAZIAN: MS. GALLIAN AGREES TO RELEASE
8 THE HOA AND ALL INDIVIDUAL BOARD MEMBERS OF ANY AND ALL
9 CLAIMS.

10 MS. GALLIAN: NO.

11 MR. KHARRAZIAN: MS. GALLIAN AGREES TO SELL
12 HER UNIT AND LEAVE THE PROPERTY WITHIN 90 DAYS; HOWEVER,
13 IF SHE'S UNABLE TO DO IT WITHIN THE 90 DAYS THROUGH NO
14 FAULT OF HER OWN, ASSOCIATION WILL GRANT A REASONABLE
15 EXTENSION OF TIME TO ALLOW HER TO COMPLETE THE SALE.

16 THE COURT: OKAY. THAT SOUNDS FAIR.

17 MS. GALLIAN: AND I'D LIKE TO ADD ONE THING.

18 THE COURT: AND BY THE WAY, THIS RELEASE IS
19 GOING TO BE RECIPROCAL.

20 MS. GALLIAN: YEP.

21 THE COURT: YOU'RE RELEASING HER FROM THE
22 CLAIMS IN THIS LAWSUIT.

23 MR. KHARRAZIAN: YEAH. I HAVEN'T GOTTEN TO
24 THE ASSOCIATION RELEASES YET, BUT LET'S DO THAT.

25 THE ASSOCIATION --

26 THE COURT: MS. GALLIAN WANTS TO ADD SOMETHING

1 THROUGH YOUR LAWYER.

2 MS. GALLIAN: WELL, THROUGH YOU. I MEAN, ANY
3 ACTS OF GOD. I MEAN, WE ALL KNOW THINGS HAPPEN. WE ALL
4 KNOW THAT 9-11 HAPPENED. WE ALL EXPECT THE UNEXPECTED.
5 YOU KNOW, SO ANY ACTS OF GOD -- I MEAN, ANYTHING --

6 THE COURT: YOUR LAWYER KNOWS THERE'S AN
7 EXCLUSION FOR ACT OF GOD.

8 MS. GALLIAN: OKAY.

9 THE COURT: LET'S KEEP RECITING THE TERMS
10 SO -- BECAUSE OUR STAFF IS OVER --

11 MS. GALLIAN: LET'S GO.

12 THE COURT: -- TIME HERE WORKING THROUGH THE
13 LUNCH HOUR.

14 MR. KHARRAZIAN: YES, AND WE APPRECIATE THAT.

15 MS. GALLIAN: YEAH. THANK YOU.

16 MR. KHARRAZIAN: MS. GALLIAN AGREES TO NEVER
17 RETURN TO THE COMMUNITY OR NEVER LIVE IN THE COMMUNITY
18 AGAIN AFTER SHE SELLS.

19 MS. GALLIAN: NOW WE'RE GETTING PERSONAL.

20 THE COURT: PARDON ME?

21 MS. GALLIAN: WE'RE GETTING PERSONAL.

22 MS. FLYER: SHE'S NOT GOING TO BUY BACK AFTER
23 SHE SELLS.

24 MS. GALLIAN: I'M NOT COMING IN.

25 THE COURT: I DON'T THINK YOU CAN HAVE -- THAT
26 WOULD BE A CONSTITUTIONAL VIOLATION TO SAY SHE CAN'T

1 RETURN TO THE COMMUNITY, BUT SHE'S NOT GOING TO BUY BACK
2 IN.

3 MR. KHARRAZIAN: SHE CANNOT RESIDE WITHIN THE
4 COMMUNITY.

5 THE COURT: THAT'S FAIR.

6 MS. GALLIAN: FINE. BUT I CAN VISIT.

7 MR. KHARRAZIAN: MS. GALLIAN CANNOT RESIDE IN
8 THE COMMUNITY. ALL COMMUNICATIONS UNTIL MS. GALLIAN
9 SELLS HER UNIT ARE TO BE THROUGH COUNSEL WITH THE
10 ASSOCIATION.

11 THE COURT: OKAY. THAT'S GREAT.

12 MS. GALLIAN: THAT'S PERFECT.

13 MR. KHARRAZIAN: THE -- MS. GALLIAN AGREES NOT
14 TO ATTEND ANY BOARD MEETINGS UNTIL SHE SELLS.

15 MS. RADMACHER: AND IF SHE WANTS TO SEND HER
16 ATTORNEY TO ATTEND, THAT'S ACCEPTABLE.

17 THE COURT: OKAY. THAT'S FAIR.

18 MR. KHARRAZIAN: WE'LL AGREE TO THAT.

19 MS. GALLIAN: YEP. THAT'S FINE.

20 MR. KHARRAZIAN: LET'S SEE. OKAY. SO THE
21 PRELIMINARY INJUNCTION WILL BE DISSOLVED AS OF TODAY,
22 BUT ITS TERMS ARE PART OF THE SETTLEMENT. THE
23 PRELIMINARY INJUNCTION THAT WAS ORDERED ON --

24 MS. GALLIAN: IT'S --

25 MR. KHARRAZIAN: -- JANUARY 11TH, 2018.

26 MS. GALLIAN: ALL TERMS ARE TODAY. I -- I AM

1 HOLDING UP MY END OF BARGAIN --

2 MS. FLYER: HOLD ON A SECOND. SO THE TERMS
3 SPECIFICALLY THAT WILL REMAIN IN EFFECT --

4 MR. KHARRAZIAN: IF YOU WANT TO READ THEM,
5 THAT'S FINE.

6 MS. FLYER: SO -- ALL RIGHT. YES. SHE WILL
7 NOT MAKE ANY -- YOU'RE NOT GOING TO MAKE ANY OTHER
8 MODIFICATIONS, ADDITIONS, OR IMPROVEMENTS WITHOUT
9 GETTING PRIOR APPROVAL.

10 MS. GALLIAN: CORRECT.

11 MS. FLYER: YOU WILL NOT MAKE ANY ALTER TO THE
12 RESTRICTED COMMON USE AREAS. YOU WILL NOT DO ANY
13 LANDSCAPING, IRRIGATION, TREES IN THE COMMON AREAS. YOU
14 WILL NOT TAMPER WITH, ADJUST, AUTHORIZE ANYONE ELSE TO
15 INTERFERE WITH THE SPRINKLER HEADS. YOU WON'T PREVENT
16 ANYONE'S REMOVAL OF SPRINKLERS. YOU'RE NOT GOING TO --
17 ALL --

18 MS. GALLIAN: YOU NEED TO STOP.

19 MS. FLYER: THESE ARE ALL THINGS THAT YOU WILL
20 AGREE TO DO.

21 THE COURT: WHAT ARE THE NUMBERS ON THE -- IS
22 THAT ITEM NUMBER --

23 MS. GALLIAN: I'M TELLING YOU I'M GOING TO
24 WALK OUT. YOU NEED TO STOP.

25 MS. FLYER: THESE ARE THINGS YOU'VE AGREED TO
26 DO.

1 MS. GALLIAN: NO, I HAVEN'T. WE JUST DECIDED
2 TO DISMISS IT; OKAY? I AM SELLING, I HAVE -- HAVE NOT
3 HAD A PROBLEM FOR -- FOR THE TIME THAT THESE ORDERS HAVE
4 BEEN IN PLACE.

5 THE COURT: BUT MS. GALLIAN, I THOUGHT THE
6 SETTLEMENT WAS GOING TO BE THAT I WOULD DISSOLVE THE
7 INJUNCTION AT THE DATE OF SALE.

8 MS. GALLIAN: WELL I --

9 THE COURT: THAT'S HOW I THOUGHT. NOW IT
10 LOOKS LIKE COUNSEL'S WILLING TO DISSOLVE THE INJUNCTION
11 NOW.

12 MS. GALLIAN: YOUR HONOR, I STILL HAVE TO PAY
13 A LAND LEASE FOR MY RIGHT AND USE OF ENJOYMENT AND I
14 WOULD LIKE TO ENJOY MY USE AND -- WITHOUT AFFECTING
15 ANYBODY ELSE.

16 THE COURT: WELL, HE'S AGREEING --

17 MS. GALLIAN: BUT I PAY A LOT OF MONEY --

18 THE COURT: HE'S AGREEING TO DISSOLVE THE
19 INJUNCTION EXCEPT FOR A COUPLE MINOR ITEMS THAT YOUR
20 LAWYER READ. I THINK THAT'S FAIR.

21 MS. FLYER: THE ITEMS BEING THAT YOU'RE NOT
22 GOING TO DO ANYTHING TO THE COMMON AREAS, AND YOU'RE NOT
23 GOING TO MAKE ANY ALTERATIONS, MODIFICATIONS WITHOUT
24 GETTING BOARD APPROVAL.

25 MS. GALLIAN: IT'S NOT NECESSARY.

26 THE COURT: THAT'S FAIR. OKAY. YOU AGREE TO

1 THAT.

2 MS. GALLIAN: IT'S NOT NECESSARY, YOUR HONOR.
3 I'M SORRY. I -- I -- I FEEL LIKE I'VE BEEN PUNISHED
4 ENOUGH.

5 THE COURT: OKAY. WELL THEN WE DON'T HAVE A
6 SETTLEMENT.

7 MS. FLYER: BUT YOU'RE NOT -- YOU DON'T HAVE
8 ANY PLANNED MODIFICATIONS OR ALTERATIONS TO THE PROPERTY
9 AT THIS POINT.

10 MS. GALLIAN: ABSOLUTELY NOT.

11 MR. KHARRAZIAN: IT JUST FITS WITHIN THE
12 SETTLEMENT.

13 MS. FLYER: IF YOU'RE GOING TO MAKE ANY
14 ALTERATIONS, MODIFICATIONS TO YOUR PROPERTY, YOU'LL ASK
15 BOARD APPROVAL.

16 MS. RADMACHER: THROUGH COUNSEL.

17 MS. FLYER: CORRECT.

18 MS. GALLIAN: JUST LIKE EVERYBODY ELSE DOES IN
19 THE CC&RS.

20 THE COURT: THEN YOU DO AGREE. YOU DO AGREE
21 TO THOSE TERMS.

22 MS. GALLIAN: WHATEVER'S IN THE CC&RS AND THE
23 RULES AND REGULATIONS, YES.

24 THE COURT: GREAT.

25 MS. RADMACHER: YOUR HONOR, I THINK THE
26 CONCERN FROM THE ASSOCIATION'S PERSPECTIVE IS THE --

1 WHILE THE SALE OF HER UNIT IS PENDING IN THIS INTERIM
2 TIMEFRAME, WE'VE AGREED TO GO WITH ALL OF THE TERMS THAT
3 SHE'S ASKED FOR ON ALLOWING HER TIME FOR SALE ON ALL OF
4 THOSE ISSUES, IS HER NOT WATERING IN THE COMMON AREA
5 ARE, HER NOT DOING THOSE OTHER THINGS THAT SHE HAS --
6 HAS BEEN DOING, EVEN WHILE THE PRELIMINARY INJUNCTION
7 HAS BEEN IN PLACE. SO WE NEED --

8 THE COURT: I PREVIOUSLY ENJOINED HER FROM
9 DOING.

10 MS. RADMACHER: YES. AND IT STILL HAS
11 CONTINUED.

12 THE COURT: RIGHT NOW, THAT INJUNCTION IS IN
13 PLACE --

14 MS. GALLIAN: ABSOLUTELY, YOUR HONOR.

15 THE COURT: -- WITH THE HOMEOWNER'S
16 ASSOCIATION --

17 MS. GALLIAN: I AGREE. I'M TRYING TO GET
18 \$400,000 FOR MY UNIT, YOUR HONOR.

19 THE COURT: IF WE TALK AT THE SAME TIME, THE
20 COURT REPORTER --

21 MS. GALLIAN: I APOLOGIZE, MA'AM.

22 THE COURT: WHAT THE ASSOCIATION IS DOING IS
23 THEY AGREE TO DISSOLVE MOST OF THE INJUNCTION OTHER THAN
24 THOSE FEW TERMS.

25 MS. RADMACHER: MAY A MAKE A RECOMMENDATION?

26 THE COURT: I THINK THAT'S A GOOD POINT FOR

1 YOU.

2 MS. RADMACHER: MY RECOMMENDATION, YOUR HONOR,
3 IS IF MS. GALLIAN BELIEVES THERE'S AN AREA THAT NEEDS TO
4 BE WATERED OR SOMETHING THAT IS NOT BEING DONE, SHE
5 NEEDS TO CONTACT HER COUNSEL AND HAVE COUNSEL TALK TO
6 THE ASSOCIATION'S COUNSEL SO IT CAN BE ADDRESSED.

7 MS. GALLIAN: PERFECT. GREAT.

8 MS. RADMACHER: SO SHE'S NOT OUT WATERING IN
9 THOSE AREAS THAT ARE ESSENTIALLY BEING RESOLVED IN THE
10 SETTLEMENT.

11 THE COURT: THAT'S A GOOD RESOLUTION.

12 MS. GALLIAN, DO YOU AGREE TO THAT?

13 MS. GALLIAN: AGREED. YES, SIR.

14 THE COURT: PLEASE KEEP GOING.

15 MR. KHARRAZIAN: DO YOU WANT TO TALK TO ABOUT
16 THE WORKPLACE VIOLENCE ISSUE?

17 MS. FLYER: SURE. THERE'S A WORKPLACE
18 VIOLENCE HEARING SET FOR AUGUST. THE ASSOCIATION AGREES
19 THAT THEY WILL BE DISMISSING THAT. WE HAVE A
20 STIPULATION WHERE MS. GALLIAN WILL NOT TALK TO,
21 PHOTOGRAPH, MAKE GESTURES TO, APPROACH ANY OF THE BOARD
22 MEMBERS. SHE WON'T COME ONTO THEIR PROPERTY.

23 AND IN THE EVENT SHE DOES, THEY MAY REFILE
24 THEIR WORKPLACE VIOLENCE RESTRAINING ORDER. BUT SHE
25 AGREES THAT SHE WILL NOT HAVE ANY CONTACT WITH THEM.

26 MS. GALLIAN: NOPE.

1 MS. FLYER: ANY CONTACT WILL BE THROUGH
2 MYSELF.

3 MS. GALLIAN: COUNSEL.

4 THE COURT: WONDERFUL.

5 MR. KHARRAZIAN: RIGHT. SO THE TERMS --
6 BASICALLY THEY'LL BE A STIPULATION TO THE TERMS OF THE
7 CURRENT ORDER BUT THE ORDER WILL BE DISMISSED AND
8 DISSOLVED AT THE --

9 MS. GALLIAN: TODAY.

10 MR. KHARRAZIAN: AS OF TODAY.

11 THE COURT: ALL RIGHT. I --

12 MR. KHARRAZIAN: OR AS SOON AS WE CAN GET
13 BEFORE JUDGE STAFFORD AND --

14 THE COURT: I THINK THAT'S A REASONABLE
15 COMPROMISE BY THE BOARD. AND I THANK YOU FOR THAT.

16 MS. GALLIAN: RIGHT.

17 MR. KHARRAZIAN: THANK YOU, YOUR HONOR. OKAY.

18 THE COURT: AND THERE'S GOING TO BE SOME MONEY
19 EXCHANGED?

20 MS. RADMACHER: YES.

21 MR. KHARRAZIAN: YES.

22 MS. GALLIAN: YES.

23 MR. KHARRAZIAN: SO MS. GALLIAN AGREES TO PAY
24 THE ASSOCIATION \$15,000 WITHIN 30 DAYS OF TODAY.

25 MS. GALLIAN: NO. IT WAS AT THE CLOSE OF
26 ESCROW.

1 MR. KHARRAZIAN: OKAY. IS THAT HOW YOU
2 UNDERSTOOD IT? OKAY. AT THE CLOSE OF ESCROW, WHICH
3 WILL HAPPEN WITHIN 90 DAYS PER THE TERMS OF THE
4 AGREEMENT.

5 MS. GALLIAN: AGREED.

6 MR. KHARRAZIAN: AND IN EXCHANGE, THE
7 ASSOCIATION AGREES TO, UPON PAYMENT, DISMISS THIS
8 LAWSUIT -- SUPERIOR COURT ACTION, AND MS. JASSO AGREES
9 TO DISMISS HER SMALL CLAIMS ACTION.

10 MS. FLYER: AS OF TODAY'S DATE.

11 MS. GALLIAN: TODAY.

12 MS. FLYER: BECAUSE THE HEARING'S MONDAY.

13 MR. KHARRAZIAN: AS OF TODAY'S DATE AGAINST
14 MS. GALLIAN. AND THE ASSOCIATION WILL REMOVE THE
15 SPECIAL ASSESSMENT THAT WAS PLACED ON HER ACCOUNT.

16 MS. FLYER: AND THERE'LL BE NO FURTHER SPECIAL
17 ASSESSMENTS ON UNIT 53 RELATED TO ANYTHING ASSOCIATED
18 WITH THIS LITIGATION.

19 MS. GALLIAN: RIGHT.

20 MR. KHARRAZIAN: RIGHT.

21 MS. FLYER: SO REGARDING THE TREE REMOVAL,
22 THERE'LL BE NO SPECIAL ASSESSMENT PUT ON UNIT 53.

23 MR. KHARRAZIAN: RIGHT. BUT OF COURSE THE
24 ASSOCIATION'S NOT WAIVING ANY FUTURE CLAIMS IN RELATED
25 TO THAT.

26 MS. FLYER: IF FUTURE ACTS HAPPEN, THEN YES.

1 THAT'S NOT INCLUDED.

2 MS. RADMACHER: RIGHT.

3 MS. GALLIAN: OKAY.

4 MR. KHARRAZIAN: OKAY. AND ONE SECOND. LET
5 ME JUST CONFER WITH MY CLIENT.

6 THE COURT: ONE THING I HAD. THERE WAS A \$630
7 SMALL CLAIMS CASE THAT WAS GOING TO BE DISMISSED TOO.

8 MS. FLYER: THAT -- THAT SMALL CLAIMS CASE IS
9 NOT DISMISSED.

10 MS. GALLIAN: IT'S NOT -- HASN'T BEEN FILED
11 YET.

12 MS. FLYER: BUT THAT ONE, THE 636, WILL BE AN
13 ISSUE FOR THE PARTIES TO RESOLVE AMONGST THEMSELVES.

14 THE COURT: RIGHT. OKAY. THANKS.

15 MR. KHARRAZIAN: YES. MR. GRAGANO'S SMALL
16 CLAIMS REMAINS ACTIVE.

17 THE COURT: OKAY. OKAY. ANY OTHER FURTHER
18 TERMS?

19 MR. KHARRAZIAN: OKAY. OKAY. SO THE LAST
20 POINT IS WE'D LIKE MS. GALLIAN TO ACKNOWLEDGE THAT THE
21 PLANTER AREAS IN FRONT OF HER UNIT AND TO THE SIDE AND
22 THE SIDEWALKS ARE COMMON AREA.

23 MS. RADMACHER: AT LEAST FOR PURPOSES OF
24 BETWEEN NOW AND HER SALE AND VACATING OF THE UNIT, SO
25 THAT'S AN UNDERSTANDING BETWEEN THE PARTIES --

26 THE COURT: OKAY.

1 MS. RADMACHER: -- OF THE DELINEATION.

2 THE COURT: I UNDERSTAND THE ISSUE. I THINK
3 THE BETTER WAY TO PHRASE IT IS MS. GALLIAN WILL
4 ACKNOWLEDGE THAT THE ASSOCIATION ASSERTS THAT
5 EVERYTHING -- THE PLANTER AREAS ARE COMMON AREAS, AND
6 EVEN THOUGH THAT MATTER MAY BE IN DISPUTE, SHE
7 UNDERSTANDS THE ASSOCIATION CLAIMS THE SOLE RIGHT TO
8 MAINTAIN THOSE AND SHE'LL AGREE THAT SHE RECOGNIZES THE
9 ASSOCIATION'S CLAIM AND SHE'LL -- SHE WON'T DO ANY
10 FURTHER WORK IN THE COMMON AREA.

11 MR. KHARRAZIAN: OKAY.

12 THE COURT: CAN YOU AGREE TO THAT WORDING?
13 BECAUSE I KNOW YOU HAVE AN ISSUE WITH THE LINE. BUT
14 THIS IS SOMETHING YOU --

15 MS. GALLIAN: I THINK EVERYBODY DOES.

16 THE COURT: YOU AGREE THAT THEY ASSERT
17 AUTHORITY EXCLUSIVELY TO WORK IN THE COMMON AREA, AND
18 YOU WILL ACKNOWLEDGE THEIR CLAIM AS TO WHERE THEY SAY
19 THE LINE IS FOR THE COMMON AREA.

20 MS. GALLIAN: SURE. YES, YOUR HONOR.

21 THE COURT: YOU AGREE TO THAT?

22 MS. GALLIAN: YES, YOUR HONOR.

23 I HAVE AN ISSUE.

24 MS. RADMACHER: ONE MOMENT. WE'LL FINALIZE
25 THAT POINT. AND JUST SO WE'RE CLEAR BECAUSE WE'RE
26 DEFINING TERMS, I THINK THE REASON YOUR HONOR'S BROUGHT

1 THAT UP IS THOSE AREAS THE ASSOCIATION BELIEVES AND
2 CONTENTS ARE COMMON AREAS THAT'S BEEN IN DISPUTE. THE
3 ASSOCIATION WILL CONTINUE TO MANAGE THOSE AREAS WITHOUT
4 INTERFERENCE FROM MS. GALLIAN AS A PART OF THE
5 SETTLEMENT.

6 THE COURT: YEAH. I THINK THAT'S FAIR.

7 MR. KHARRAZIAN: AND THEN JUST --

8 THE COURT: MS. GALLIAN, YOU SAID YES.

9 MS. FLYER: YES. THE ISSUE MS. GALLIAN HAS IS
10 THE SMALL CLAIMS THAT \$630 CLAIM -- IF THAT'S NOT
11 DISMISSED AS PART OF THIS, MS. GALLIAN DOES HAVE A
12 COUNTERCLAIM FOR THAT BASED ON SEXUAL HARASSMENT, BUT
13 ALL THE PARTIES UNDERSTAND THAT'S NOT PART OF THIS
14 LITIGATION SO THAT'S NOT AN ISSUE IN THIS CASE.

15 SO ANYTHINGS ABOUT SEXUAL HARASSMENT -- THAT
16 WILL BE AN ISSUE FOR THE PARTIES TO ADDRESS ON THEIR
17 OWN, AND IT'S NOT --

18 MR. KHARRAZIAN: LET ME JUST CLARIFY THEN,
19 BECAUSE ONE OF THE TERMS WAS A RELEASE OF ALL CLAIMS
20 AGAINST THE ASSOCIATION AND ALL INDIVIDUAL BOARD
21 MEMBERS.

22 MS. FLYER: RELATED TO THIS.

23 MR. KHARRAZIAN: RELATED -- WELL, RAISED --
24 BECAUSE THERE WAS A LOT OF CLAIMS RAISED BY MS. GALLIAN
25 IN VARIOUS FILINGS IN THIS PROCEEDING AND THAT INCLUDED
26 THE SEXUAL HARASSMENT. SO --

1 THE COURT: I THINK ALL THE PARTIES SHOULD
2 SAY --

3 MR. KHARRAZIAN: -- ALL PAST CLAIMS --

4 THE COURT: -- LET'S WALK AWAY FROM THIS
5 TOTALLY.

6 MS. GALLIAN: I AGREE. BUT IF THEY'RE NOT
7 GOING TO, THEN I CAN'T.

8 THE COURT: BOTH SIDES. EVEN THE \$630 CLAIM.
9 BECAUSE TO BUY YOUR PEACE, YOU BOTH HAVE TO GIVE UP A
10 LITTLE BIT. AND MS. GALLIAN'S WILLING TO GIVE UP HER
11 SEXUAL HARASSMENT CLAIM BUT THE \$630 CLAIM NEEDS TO BE
12 GIVEN UP TOO.

13 MS. GALLIAN: YEP.

14 MR. KHARRAZIAN: WELL -- WELL CAN WE MAKE THE
15 SETTLEMENT AMOUNT \$15,630?

16 THE COURT: WELL, THAT -- NO, BUT THAT'S --
17 THAT'S WHERE THE COMPROMISE IS. BOTH SIDES WITH GIVE
18 SOMETHING UP. BECAUSE OTHERWISE, YOU'RE GOING TO HAVE A
19 SMALL CLAIMS CASE THAT'S GOING TO ESCALATE INTO A SEXUAL
20 HARASSMENT CASE AND BE ESCALATED UP TO THE UNLIMITED
21 JURISDICTION AND YOU HAVE ANOTHER LAWSUIT GOING ON.

22 MR. GRAGANO: THERE'S NO MERIT TO WHAT SHE'S
23 TALKING ABOUT.

24 MS. GALLIAN: THAT'S FOR THE JUDGE TO DECIDE.

25 MR. KHARRAZIAN: IT'S UP TO YOU.

26 MR. GRAGANO: THAT'S RIDICULOUS.

1 MS. JASSO: IT IS.

2 MR. KHARRAZIAN: WELL, WE CAN JUST -- I MEAN,
3 THE -- THE RELEASE IS THE RELEASE OF THE ASSOCIATION AND
4 BOARD MEMBERS. THAT'S ONE OF THE TERMS.

5 THE COURT: WELL --

6 MS. FLYER: BUT THEN THE --

7 THE COURT: BUT THE ISSUE IS YOU WANT HER TO
8 AGREE SHE'S RELEASING THE BOARD, BUT THERE'S A BOARD
9 MEMBER WHO'S NOT RELEASING HER. AND SHE JUST WANTS TO
10 SAY IF A BOARD MEMBER DOESN'T RELEASE HER, THEN SHE HAS
11 A RIGHT TO CROSS-COMPLAIN AGAINST THAT BOARD MEMBER.
12 THAT'S ALL.

13 MS. RADMACHER: BUT MY -- I THINK THE ISSUE
14 THAT WOULD BE REASONABLE IS CROSS-COMPLAINT AGAINST THAT
15 BOARD MEMBER RELATED TO THOSE CLAIMS IN THE SMALL CLAIMS
16 ACTION ONLY. THE CLAIMS IN THE SMALL CLAIMS ACTION ARE,
17 MY UNDERSTANDING, LIMITED TO PERSONAL PROPERTY DAMAGE.

18 THE COURT: WELL, I SEE SMALL CLAIMS CASES GET
19 ELEVATED UP TO THIS COURT ALL THE TIME BECAUSE SOMEONE
20 FILES A SMALL CLAIMS COURT ACTION AND THE OTHER SIDE
21 FILES A CROSS-COMPLAINT THAT TAKES IT OUT OF SMALL
22 CLAIMS COURT.

23 MS. GALLIAN: THAT'S CORRECT.

24 THE COURT: SO -- I THINK WE BETTER RESOLVE
25 THAT OR JUST BETTER ACCEPT IT.

26 MS. GALLIAN: I THINK WE SHOULD SHAKE HANDS

1 AND WALK AWAY.

2 THE COURT: YOU CAN ACCEPT THE WHOLE CLAIM FOR
3 THE DAMAGE TO THE CHRISTMAS LIGHTS FOR \$630, AND THAT
4 WILL BE RESOLVED BY THE PARTIES SEPARATELY. IT'S NOT
5 PART OF THAT SETTLEMENT.

6 MR. KHARRAZIAN: THAT WAS THE UNDERSTANDING,
7 YOUR HONOR.

8 MS. RADMACHER: THAT WAS OUR UNDERSTANDING OF
9 THE SETTLEMENT.

10 THE COURT: MS. GALLIAN AND MS. FLYER, LET ME
11 ASK YOU.

12 MS. FLYER: WELL MS. GALLIAN THEN, IF HE'S
13 GOING TO PURSUIT THE \$636, SHE -- SHE WANTS TO THEN BE
14 ABLE TO PURSUE HER SEXUAL HARASSMENT CLAIM AGAINST HIM.
15 SO IF HE WOULD JUST DISMISS HIS \$630, WE CAN DISMISS THE
16 SEXUAL HARASSMENT ALLEGATIONS --

17 THE COURT: I UNDERSTAND THAT.

18 MS. FLYER: -- AND MOVE FORWARD.

19 THE COURT: BUT APPARENTLY THERE'S NOT A
20 WILLINGNESS TO IN THIS CASE DISMISS THE SMALL CLAIMS
21 CASE. SO THAT WILL BE EXCEPTED FROM THE SETTLEMENT AND
22 OF COURSE MS. GALLIAN HAS THE RIGHT TO RESPOND TO THAT
23 SMALL CLAIMS CASE HOWEVER.

24 MS. FLYER: CORRECT, YOUR HONOR.

25 THE COURT: WITH A CROSS-COMPLAINT, IF SHE
26 WANTS.

1 MS. GALLIAN: BUT IT'S AGAINST A BOARD MEMBER
2 IN HIS CAPACITY AS A BOARD MEMBER. THAT CHANGES A
3 LITTLE BIT.

4 MR. KHARRAZIAN: RIGHT. AND OUR UNDERSTANDING
5 IS THAT CLAIM WOULD BE RELEASED.

6 THE COURT: WELL, BECAUSE THEN -- THEN THE
7 BOARD ISN'T BUYING THEIR PEACE, IS THE PROBLEM.

8 MR. KHARRAZIAN: RIGHT.

9 MS. RADMACHER: IT'S -- THE --

10 THE COURT: IF IT'S A SEXUAL HARASSMENT CLAIM,
11 THAT WOULD SEEM TO BE INDIVIDUAL TO ME, NOT AGAINST THE
12 BOARD. I DON'T THINK THERE'S GOING TO BE EVIDENCE THAT
13 THE BOARD RATIFIED ANY ALLEGED CONDUCT OF ANY OF THE
14 BOARD MEMBERS THAT WOULD BE --

15 MS. GALLIAN: AND THAT'S -- THAT'S MY POINT
16 EXACTLY, YOUR HONOR, BECAUSE THE WORKPLACE VIOLENCE --
17 IT WASN'T WORKPLACE VIOLENCE. IT WAS BETWEEN A WOMAN
18 AND A WOMAN. HAD NOTHING TO DO WITH BOARD MEMBERS.
19 THEY WEREN'T EVEN THERE.

20 MS. RADMACHER: WE ADDRESSED THE WORKPLACE
21 VIOLENCE WHERE WE AGREED TO WITHDRAW THAT. SO I DON'T
22 KNOW IF WE'RE GOING TO NEED TO PUT THAT BACK ON.

23 MS. GALLIAN: IT'S THE SAME.

24 MS. FLYER: I THINK WE'RE GETTING DERAILED
25 HERE.

26 MR. KHARRAZIAN: I AGREE.

1 MS. FLYER: SO LET'S SAY IF HE WANTS TO PURSUE
2 THE 636 SMALL CLAIMS -- CLAIM, MS. GALLIAN CAN COUNTER A
3 CLAIM HOWEVER SHE SEES FIT, AS LONG AS IT'S NOT ABOUT
4 CAPACITIES AS A BOARD MEMBER.

5 THE COURT: THAT'S A FAIR COMPROMISE. YOU CAN
6 SUE ANY INDIVIDUAL YOU WANT IN A CROSS-COMPLAINT.

7 MR. KHARRAZIAN: IN THEIR INDIVIDUAL CAPACITY.

8 THE COURT: BUT NOT AS THE BOARD.

9 MS. GALLIAN: THAT'S FINE. THAT'S FINE.

10 THE COURT: OKAY. SO THE AGREEMENT IS THE
11 SMALL CLAIMS CASE WILL REMAIN VIABLE, AND MS. GALLIAN
12 HAS THE RIGHT TO RESPOND TO THAT SMALL CLAIMS ACTION IN
13 KIND AGAINST AN INDIVIDUAL.

14 MR. KHARRAZIAN: INDIVIDUALLY AS TO
15 MR. GRAGANO.

16 THE COURT: CORRECT.

17 MR. KHARRAZIAN: BUT TO REITERATE, THERE'S A
18 FULL RELEASE OF THE ASSOCIATION AND ALL ITS INDIVIDUAL
19 DIRECTORS --

20 THE COURT: YEP.

21 MR. KHARRAZIAN: -- FOR ALL PAST CLAIMS.

22 AND JUST TO CLARIFY THAT, BOTH PARTIES AGREE
23 TO SIGN -- TO A 1542 WAIVER AS TO ALL THE RELEASES
24 STATED ON THE RECORD TODAY. WE -- PARTIES AGREE AND WE
25 ASK THE COURT TO AGREE TO MAINTAIN JURISDICTION UNDER
26 664.6.

1 THE COURT: I WILL.

2 MR. KHARRAZIAN: AND FINALLY THE GOVERNING
3 DOCUMENTS OF THE ASSOCIATION, ALL OF THEM AS THAT TERM
4 IS DEFINED IN THE CIVIL CODES, REMAIN IN FULL FORCE AND
5 EFFECT AND NOTHING RELEASED HERE TODAY RELEASES ANY
6 OBLIGATIONS UNDER THE GOVERNING DOCUMENTS.

7 THE COURT: FROM EITHER SIDE.

8 MR. KHARRAZIAN: CORRECT.

9 MS. RADMACHER: CORRECT.

10 THE COURT: BOTH THE BOARD AND MS. GALLIAN
11 WILL COMPLY WITH THE GOVERNING DOCUMENTS.

12 MR. KHARRAZIAN: THAT'S CORRECT.

13 MS. GALLIAN: YES.

14 AND ONE LAST THING. CONFIDENTIALITY. I'D
15 LIKE TO ENJOY THE LAST FEW WEEKS WITHOUT ANY -- JUST --
16 EVERYBODY JUST STAY -- EVERYBODY JUST STAY WITH --
17 WITHIN THIS ROOM.

18 MR. KHARRAZIAN: YEAH. WITHOUT A FORMAL
19 CONFIDENTIALITY, I THINK IT WOULD BE VERY WISE FOR BOTH
20 SIDES TO AGREE --

21 MS. GALLIAN: AGREE.

22 MR. KHARRAZIAN: -- NOT TO MAKE COMMENTS ABOUT
23 THE LAWSUIT, EXCEPT THAT THE BOARD HAS CERTAIN
24 OBLIGATIONS TO DISCLOSE CERTAIN THINGS TO THE
25 MEMBERSHIP.

26 SO OTHER THAN DISCLOSURES REQUIRED BY LAW FOR

1 THE BOARD, THE PARTIES WILL NOT MAKE ANY DISCLOSURES.

2 THE COURT: YEAH. I THINK IT WOULD BE
3 COUNTERPRODUCTIVE IF EITHER SIDE WENT BACK TO THE
4 ASSOCIATION AND POSTED A SIGN, "AHA, WE WON," OR "WE GOT
5 A SETTLEMENT WE WANTED." EITHER MS. GALLIAN OR THE
6 OTHER SIDE.

7 MS. GALLIAN: CORRECT.

8 THE COURT: AND I THINK THIS IS A SETTLEMENT
9 THAT IS FAVORABLE TO BOTH SIDES BECAUSE IT'S A
10 COMPROMISE.

11 MS. GALLIAN: RIGHT.

12 MR. KHARRAZIAN: OKAY.

13 THE COURT: SHOULDN'T GO AROUND BRAGGING, "WE
14 BEAT THE OTHER SIDE UP IN COURT," OR "THE JUDGE SIDED
15 WITH ME."

16 MS. GALLIAN: NO LETTERS.

17 MR. KHARRAZIAN: YES.

18 THE COURT: BECAUSE I THINK BOTH SIDES ARE
19 GIVING SOMETHING HERE, SO I THINK IT'S A COMPROMISE.

20 MR. KHARRAZIAN: AND A COROLLARY TO THAT, YOUR
21 HONOR, IS OUR CONCERN GOING BACK TO THE COMMENT WE MADE
22 ABOUT THE COMMON AREA IS THAT WE DON'T WANT MS. GALLIAN
23 GOING AND TELLING OTHER OWNERS NOW, "OH MY
24 INTERPRETATION IS THAT THE LINE IS HERE AND YOU ALL CAN
25 MAINTAIN WHAT YOU LIKE." SO BOTH -- TWO SIDES TO THAT.

26 THE COURT: THE COMMUNICATION JUST --

1 MS. GALLIAN: OH YEAH. JUST NO MORE LETTERS
2 TO THE ASSOCIATION. THAT'S IT. IT'S -- IT'S BECAUSE
3 IT'S -- IT'S POINTLESS. IT'S -- YOU GUYS -- LET'S ALL
4 COME BACK TOGETHER, AND I'M LEAVING, AND SO -- OH.

5 LAST THING IS THAT I DO HAVE FIVE BINS IN MY
6 GARAGE AREA. I'M STARTING TO PACK. I HAVE A LOT OF
7 STUFF. I'VE BEEN THERE TEN YEARS. SO I HEARD THROUGH
8 THE LITTLE TALK HERE THAT THERE WAS A PROBLEM WITH THOSE
9 BINS THERE, AND AS SOON AS THEY'RE FULL, THEY'RE GOING
10 TO BE REMOVED.

11 MS. JASSO: SHE PUT THE BINS RIGHT IN THE
12 PARKING SPACES THAT ALL THE OWNERS USE.

13 MS. GALLIAN: THERE'S NO PLACE TO PUT THEM.

14 MR. KHARRAZIAN: LET'S SAY THE BINS CAN
15 REPLACE FOR 90 DAYS --

16 MS. JASSO: SHE CAN PUT THEM IN HER DRIVEWAY.

17 MR. KHARRAZIAN: -- OR UNTIL SHE MOVES OUT,
18 WHICHEVER COMES SOONER.

19 THE COURT: THOSE ARE THOSE LITTLE
20 RENT-A-BINS?

21 MS. GALLIAN: THEY'RE --

22 MS. JASSO: CAN THEY BE IN HER DRIVEWAY?
23 BECAUSE SHE'S PUT THEM IN THE PARKING SPACES OF THE
24 COMMUNITY.

25 MS. GALLIAN: I HAVE FIVE. THERE IS ONE IN MY
26 DRIVEWAY.

1 MR. KHARRAZIAN: HANG ON. I'M GOING TO SAY
2 SOMETHING.

3 SO THEY CAN STAY WHERE THEY ARE --

4 MS. GALLIAN: RIGHT.

5 MR. KHARRAZIAN: -- FOR 90 DAYS OR UNTIL SHE
6 MOVES, WHICHEVER COMES FIRST.

7 MS. GALLIAN: RIGHT.

8 MR. KHARRAZIAN: AND AFTER THAT, SHE'LL NEED
9 TO MOVE THEM ACROSS TO THE PARALLEL PARKING SPOTS THAT
10 ARE ACROSS THE STREET FROM WHERE THEY ARE.

11 MS. GALLIAN: THEY'RE -- THEY'RE GOING -- AS
12 SOON AS THEY'RE FULL, THEY'RE GOING BACK TO THE
13 WAREHOUSE.

14 THE COURT: ALL RIGHT. GREAT.

15 MR. KHARRAZIAN: AND ANY FUTURE PODS THAT
16 COME, MS. GALLIAN WILL PLACE THEM ON THE PARALLEL
17 PARKING ACROSS INSTEAD OF THE PERPENDICULAR PARKING
18 THAT'S ADJACENT TO HER UNIT.

19 THE COURT: OKAY.

20 MS. RADMACHER: AND FINALLY WE WILL AGREE WITH
21 COUNSEL TO NEGOTIATE A FINAL SETTLEMENT AGREEMENT IN
22 WRITING TO DOCUMENT THIS SO ALL THE PARTIES HAVE THIS
23 CLEAR ON TOP OF THE RECORD.

24 THE COURT: GOOD. AND YOU'LL ORDER A COPY OF
25 THE TRANSCRIPT SO THAT --

26 MS. RADMACHER: YES.

1 THE COURT: -- THE SETTLEMENT AGREEMENT CAN
2 REFLECT THE ACTUAL STATEMENTS OF THE PARTIES.

3 MR. KHARRAZIAN: WE WILL.

4 THE COURT: OKAY. SO NOW LET ME ASK THE
5 PARTIES. WE HAVE THE BOARD PRESIDENT HERE AND THE
6 VICE PRESIDENT.

7 ARE YOU IN AGREEMENT WITH THE TERMS EXPRESSED
8 IN THIS SETTLEMENT?

9 MR. GRAGANO: YES, YOUR HONOR.

10 MS. JASSO: YES, YOUR HONOR.

11 THE COURT: AND YOU'RE AUTHORIZED AS THE
12 PRESIDENT AND VICE PRESIDENT TO ENTER INTO THE
13 SETTLEMENT?

14 MR. GRAGANO: YES.

15 MS. JASSO: YES, YOUR HONOR.

16 THE COURT: OKAY. MS. GALLIAN.

17 MS. GALLIAN: YES.

18 THE COURT: YOU'VE HAD THE WONDERFUL ADVICE OF
19 MS. FLYER, WHO I THANK FOR COMING TODAY.

20 MS. GALLIAN: WE'RE GOING TO GET TACOS.

21 THE COURT: THERE'S BEEN A SIGNIFICANT CHANGE
22 IN THE ATMOSPHERE TO HAVE YOU HERE, SO THANK YOU.

23 MS. FLYER: THANKS, YOUR HONOR.

24 THE COURT: AND YOU'VE BEEN ADVISED BY HER OF
25 THE TERMS AND YOU HEARD THE TERMS STATED --

26 MS. GALLIAN: AWESOME.

1 THE COURT: -- AND YOU'RE IN AGREEMENT WITH
2 THOSE?

3 MS. GALLIAN: YES, SIR.

4 THE COURT: ALL RIGHT. THANK YOU. I'M GOING
5 TO -- NOW ANY DISMISSALS SHOULD BE FILED WITHOUT
6 PREJUDICE. BECAUSE I'LL LOSE JURISDICTION IF IT'S FILED
7 WITH PREJUDICE, SO IT WILL BE FILED WITHOUT PREJUDICE;
8 OKAY? EVEN THE CROSS-COMPLAINTS.

9 MS. GALLIAN: OKAY. AND THE -- THE DISMISSALS
10 WE CAN GO DOWN TODAY? TODAY WE CAN GO DOWN TO THE COURT
11 CLERK AND -- THE -- SINCE BOTH REPRESENTATIVES ARE HERE.

12 THE COURT: APPARENTLY THE CROSS-COMPLAINT --
13 THE SMALL CLAIMS ARE GOING TO BE SERVICE --

14 MS. GALLIAN: BOTH REPRESENTATIVES ARE HERE;
15 THEY CAN SIGN.

16 THE COURT: WE CAN ONLY TALK ONE AT A TIME.

17 THE SMALL CLAIMS ACTIONS WILL BE DISMISSED
18 TODAY, IS MY UNDERSTANDING. OKAY. BUT ONE THING I WANT
19 TO SAY. WE HAVE TO HAVE A HEARING. WE'RE GOING TO HAVE
20 IN 90 DAYS A ORDER TO SHOW CAUSE RE: DISMISSAL TO MAKE
21 SURE THAT THIS HAPPENED. BECAUSE I DON'T WANT YOU OFF
22 MY CALENDAR. SO WE'RE GOING TO SET A HEARING FOR
23 JUNE 1ST. IS THAT A WORKDAY?

24 THE COURT ATTENDANT: HOW ABOUT JUNE 4TH?

25 MS. JASSO: THAT'S MY BIRTHDAY. THAT'S MY
26 BIRTHDAY.

1 THE COURT: OKAY. NOW, NO ONE HAS TO COME.
2 IF THE DISMISSALS ARE ON FILE --

3 MS. JASSO: THANK YOU.

4 THE COURT: -- BUT I JUST WANT TO MAKE SURE
5 EVERYTHING GOES DOWN.

6 BUT IF IT DOESN'T, MS. GALLIAN, I WANT YOU TO
7 KNOW --

8 MS. GALLIAN: YES, SIR.

9 THE COURT: -- IF THIS DOESN'T HAPPEN, I NOW
10 HAVE JURISDICTION TO SAY JUDGMENT'S ENTERED, ACCORDING
11 TO THOSE TERMS; OKAY?

12 MS. GALLIAN: YES, SIR. ABSOLUTELY.

13 THE COURT: AND THE BOARD UNDERSTANDS THAT
14 TOO.

15 MS. JASSO: YES, WE DO.

16 THE COURT: THAT'S WHAT CCP, CODE OF CIVIL
17 PROCEDURE SECTION 664.6 SAYS. IF THE PARTIES AGREE TO A
18 SETTLEMENT AND THEY AGREE THAT THE COURT WILL MAINTAIN
19 JURISDICTION, IF ONE SIDE TRIES TO BACK OUT AFTER TODAY,
20 I CAN SAY, TOUGH LUCK. YOU AGREED TO IT. I'M ENTERING
21 JUDGMENT ACCORDING TO THE TERMS; OKAY?

22 MS. GALLIAN: YES.

23 THE COURT: AND YOU ALL UNDERSTAND THAT?

24 MS. GALLIAN?

25 MS. GALLIAN: YES. YES, SIR.

26 THE COURT: AND THE BOARD?

1 MS. JASSO: YES, SIR.

2 THE COURT: THANK YOU, COUNSEL.

3 MS. GALLIAN: I WANT TO MAKE SURE THE LAST
4 THING IS THE TWO REPRESENTATIVES WHO CAN SIGN ON BEHALF
5 OF THE BOARD ARE HERE TO TAKE THE W.V. OFF. THEY CAN
6 DISMISS IT.

7 THE COURT: YEAH.

8 MS. GALLIAN: TODAY.

9 THE COURT: EVERYTHING STOPS.

10 MR. KHARRAZIAN: HANG ON. ACTUALLY I THINK
11 THE AGREEMENT WAS THAT COUNSEL, MS. FLYER, WILL FILE --

12 MS. FLYER: STIPULATION.

13 MR. KHARRAZIAN: -- THE REQUEST WITH THE
14 WORKPLACE VIOLENCE TRO DEPARTMENT TO ENTER INTO THE
15 STIPULATION, SO I'M NOT SURE THAT THAT CAN HAPPEN TODAY.
16 BUT IT'S -- IT'S --

17 MS. FLYER: IT WILL HAPPEN AS SOON AS I CAN --

18 MR. KHARRAZIAN: MS. GALLIAN'S COUNSEL'S
19 CONTROL.

20 MS. FLYER: AS SOON AS I CAN FEASIBLY DO IT, I
21 WILL DO IT.

22 THE COURT: THANKS.

23 MS. RADMACHER: AND THE BOARD WILL -- AND
24 MEMBERS AS NEEDED WILL COOPERATE WITH COUNSEL TO EXECUTE
25 ANY DOCUMENTS NEEDED TO ALLOW THAT TO HAPPEN.

26 MS. FLYER: THANK YOU.

1 MS. GALLIAN: BUT AS OF RIGHT NOW, THERE'S
2 NOTHING -- THERE'S NO --

3 THE COURT: AND ONE FINAL WORD --

4 MS. GALLIAN: THERE'S NO WORKPLACE VIOLENCE,
5 AT ALL.

6 MR. KHARRAZIAN: LISTEN TO THE JUDGE.

7 MS. GALLIAN: YES, SIR.

8 THE COURT: I HAVE 585 CASES.

9 MS. GALLIAN: NOW -4.

10 THE COURT: A NUMBER OF THEM WRONGFUL DEATH
11 CASES, MEDICAL MALPRACTICE CASES WITH PEOPLE MAIMED FOR
12 LIFE. BUT FOR SOME REASON, THE HOMEOWNER ASSOCIATION
13 CASES SEEM TO BE THE HARDEST TO GET RESOLVED.

14 SO I WANT TO THANK COUNSEL FOR THE
15 PROFESSIONAL COURTESIES YOU'VE EXTENDED TO EACH OTHER
16 AND FOR MAINTAINING COMPOSURE AND TALKING SENSE INTO
17 YOUR CLIENTS. AND I DON'T MEAN TO IMPLY THEY DIDN'T
18 HAVE SENSE, BUT I MEAN TALKING -- EXPLAINING TO YOUR
19 CLIENTS THE BENEFITS OF SETTLING.

20 SO THANKS, COUNSEL, FOR WORKING THROUGH THIS.
21 THANKS TO THE BOARD MEMBERS WHO ARE HERE, MS. GALLIAN.
22 I APPRECIATE YOUR WILLINGNESS TO TAKE THE COURT'S ADVICE
23 TOO, AS WELL AS YOUR LAWYER'S --

24 MS. GALLIAN: ABSOLUTELY. SURE.

25 THE COURT: -- THAT A SETTLEMENT IS BETTER
26 THAN A LONG, DRAWN-OUT TRIAL.

1 MS. GALLIAN: ABSOLUTELY.

2 THE COURT: SO YOU'VE ALL SAVED A LOT OF MONEY
3 BY GETTING THIS CASE RESOLVED TODAY, SO THANK YOU ALL.

4

5 (PROCEEDINGS CONCLUDED)

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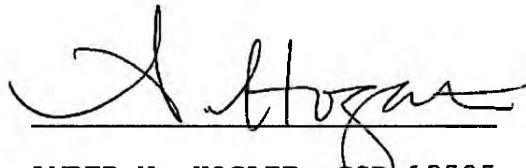
26

REPORTER'S CERTIFICATE

STATE OF CALIFORNIA)
) SS.
COUNTY OF ORANGE)

I, AMBER N. HOGATE, CSR 13525, OFFICIAL COURT
REPORTER IN AND FOR THE SUPERIOR COURT OF THE STATE OF
CALIFORNIA, COUNTY OF ORANGE, DO HEREBY CERTIFY THAT THE
FOREGOING TRANSCRIPT, CONSISTING OF PAGES 1 THROUGH 35,
INCLUSIVE, IS A TRUE AND CORRECT TRANSCRIPT OF MY
SHORTHAND NOTES AND IS A FULL, TRUE AND CORRECT
STATEMENT OF THE PROCEEDINGS HAD IN SAID CAUSE.

DATED THIS 13TH DAY OF MARCH, 2018.

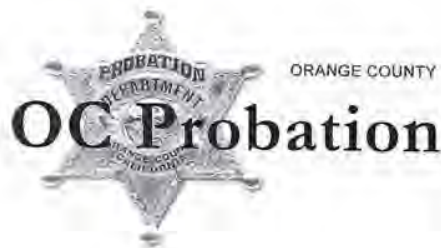
A handwritten signature in cursive script, appearing to read "A. Hogate", written over a horizontal line.

AMBER N. HOGATE, CSR 13525

EXHIBIT 2

1.

1. LETTER OF COMPLETION MARCH 25, 2022 ,
OC PROBATION.



BRYAN PRIETO
INTERIM CHIEF PROBATION OFFICER

TELEPHONE: (714) 569-2000

1055 N. MAIN STREET, 5TH FLOOR
SANTA ANA, CA 92701

MAILING ADDRESS:
P.O. BOX 10260
SANTA ANA, CA 92711-0260

June 24, 2022

Jaime Lynn Gallian
16222 Monterey Lane, Unit 376
Huntington Beach, CA 92649

Re: Request for Proof of Completion
Name: Jamie Lynn Gallian
DOB: 11/16/1962
Probation Number: A398372

Dear Ms. Gallian:

This letter is in response to your written request received on June 15, 2022 regarding your probation record. The following narrative is a summary of your probation record as it pertains to Court Case Number 18WM05278.

On November 13, 2019, you appeared in Orange County Superior Court and were found guilty of violation of Section 166(a)(4) PC (Contempt of Court – Disobey Court Order), two counts. As a result, on December 12, 2019, you were placed on three years informal probation.

On March 25, 2021, you were found in violation of probation by the Orange County Superior Court.

On March 25, 2022, the case expired, and probation supervision was terminated.

If you need further information, you may contact me at the number below.

Respectfully,



Supervising Probation Officer
Custodian of Records
Direct Line (714) 937-4558
prob-records@prob.ocgov.com

EXHIBIT 3

1. 3/9/2021 ORDER FOR VICTIM RESTITUTION ("OVR")
2. 5/27/2021 ABSTRACT OF JUDGMENT FILED BY JANINE JASSO IN THE REAL PROPERTY RECORDS CLERK RECORDER COUNTY OF ORANGE.

ATTORNEY OR PERSON WITHOUT ATTORNEY (Name, State Bar number, and address):		CR-110/JV-790	
Janine Jasso 16025 Warmington Lane Huntington Beach, CA 92649 TELEPHONE NO.: E-MAIL ADDRESS (Optional): j9_jasso@yahoo.com ATTORNEY FOR (Name):		RECEIVED SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE WEST JUSTICE CENTER FEB 23 2021	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Orange STREET ADDRESS: 8141 13th St. MAILING ADDRESS: CITY AND ZIP CODE: Westminster, CA 92683 BRANCH NAME: West Justice Center		FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE WEST JUSTICE CENTER MAR 09 2021 DAVID H. YAMASAKI, Clerk of the Court BY: D. PHILLIPS, DEPUTY	
CASE NAME: State of California v. Gallian		BY: _____, DEPUTY	
ORDER FOR VICTIM RESTITUTION		CASE NUMBER: 18WM05278	

1. a. ☒ On (date): 12/12/19 defendant (name): Gallian, Jamie
was convicted of a crime that entitles the victim to restitution.
b. ☐ On (date): child (name):
was found to be a person described in Welfare and Institutions Code section
602, which entitles the victim to restitution. ☐ Wardship is terminated.
c. ☐ Parents or guardians jointly and severally liable (name each):
d. ☐ Co-offenders found jointly and severally liable (name each):
2. Evidence was presented that the victim named below suffered losses as a result of defendant's/child's conduct. Defendant/child
was informed of his or her right to a judicial determination of the amount of restitution and
a. ☒ a hearing was conducted.
b. ☐ stipulated to the amount of restitution to be ordered.
c. ☐ waived a hearing.
3. THE COURT ORDERS defendant/child to pay restitution to
a. ☒ the victim (name): In the amount of: \$ 9,338.25
b. ☐ the Victim Compensation and Government Claims Board, to reimburse payments to the victim from the Restitution Fund,
in the amount of: \$ Janine Jasso
c. ☒ plus interest at 10 percent per year from the date of ☒ loss or ☐ sentencing.
d. ☐ plus attorney fees and collection costs in the sum of \$
e. ☐ plus an administrative fee not to exceed 15 percent of the restitution owed (Pen. Code, § 1203.1(f)).

CR-110/JV-790

CASE NAME: State of California v. <u>Gallian</u>	CASE NUMBER: <u>18WM05278</u>
--	-------------------------------

4. The amount of restitution includes

- a. ☐ the value of property stolen or damaged.
- b. ☐ medical expenses.
- c. ☐ lost wages or profits
 - (1) ☐ incurred by the victim due to injury.
 - (2) ☐ of the victim's parent(s) or guardian(s) (if victim is a child) incurred while caring for the injured child.
 - (3) ☐ incurred by the victim due to time spent as a witness or in assisting police or prosecution.
 - (4) ☐ of the victim's parent(s) or guardian(s) (if victim is a child) due to time spent as a witness or in assisting police or prosecution.
- d. ☐ noneconomic losses (felony violations of Pen. Code, § 288 only).
- e. ☒ Other (specify): Attorney Fees

Date: 2/23/21
3/9/21

Kevin J. Haskins
JUDICIAL OFFICER

Kevin J. Haskins

NOTICE TO VICTIMS

PENAL CODE SECTION 1214 PROVIDES THAT ONCE A DOLLAR AMOUNT OF RESTITUTION HAS BEEN ORDERED, THE ORDER IS THEN ENFORCEABLE AS IF IT WERE, AND IN THE SAME MANNER AS, A CIVIL JUDGMENT. ALTHOUGH THE CLERK OF THE COURT IS NOT ALLOWED TO GIVE LEGAL ADVICE, YOU ARE ENTITLED TO ALL RESOURCES AVAILABLE UNDER THE LAW TO OBTAIN OTHER INFORMATION TO ASSIST IN ENFORCING THE ORDER.

THIS ORDER DOES NOT EXPIRE UNDER PENAL CODE SECTION 1214(d).

YOU MUST FILE A SATISFACTION OF JUDGMENT WITH THE COURT WHEN THIS ORDER IS SATISFIED, AS REQUIRED BY PENAL CODE SECTION 1214(b).

YOU ARE ENTITLED TO A CERTIFIED COPY OF THIS ORDER UPON REQUEST, AS REQUIRED BY PENAL CODE SECTION 1214(b) AND WELFARE AND INSTITUTIONS CODE SECTION 730.7(c).




I hereby certify the foregoing instrument consisting of 2 page(s)
is a true and correct copy of the original on file in this court.



ATTEST: (DATE) 06/21/2022
DAVID H. YAMASAKI, EXECUTIVE OFFICER AND CLERK OF THE
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

BY No. Moret, DEPUTY

CR-111/JV-791

ATTORNEY OR PERSON WITHOUT ATTORNEY (Name, State Bar number, and address): <input checked="" type="checkbox"/> Recording requested by and return to: Janine Jasso 16025 Warmington Lane Huntington Beach, CA 92649 TELEPHONE NO.: 213-247-6030 FAX NO. (Optional): E-MAIL ADDRESS (Optional): j9_jasso@yahoo.com <input type="checkbox"/> ATTORNEY FOR: <input checked="" type="checkbox"/> JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD		Recorded in Official Records, Orange County Hugh Nguyen, Clerk-Recorder  101.00 * \$ R 0 0 1 2 8 5 8 6 8 1 \$ * 2021000348287 11:32 am 05/27/21 340 414A A03 3 0.00 0.00 0.00 0.00 6.00 10.00 0.000.0075.00 3.00
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Orange STREET ADDRESS: 8141 13th Street MAILING ADDRESS: CITY AND ZIP CODE: Westminster, CA, 92683 BRANCH NAME: West Justice Center		FOR RECORDER'S USE ONLY CASE NUMBER: 18WM05278
CASE NAME: People of the State of California v. Gallian		FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE MAY 26 2021 DAVID H. YAMASAKI, Clerk of the Court BY: <u>T. TRAN</u> , DEPUTY
ABSTRACT OF JUDGMENT—RESTITUTION <input type="checkbox"/> Amended		
1. The <input checked="" type="checkbox"/> judgment creditor <input type="checkbox"/> assignee of record <input type="checkbox"/> other (specify): Janine Jasso applies for an abstract of judgment and represents the following: a. Judgment debtor's Name and last known address Jamie Gallian 16222 Monterey Lane, Space 376 Huntington Beach, CA, 92649 b. <input checked="" type="checkbox"/> Driver's license no. [last 4 digits] and state: 0742 /CA c. <input checked="" type="checkbox"/> Social security no. [last 4 digits]: 3936 d. <input checked="" type="checkbox"/> Date of birth: 11-16-1962 <input type="checkbox"/> Unknown <input type="checkbox"/> Unknown <input type="checkbox"/> Unknown		

Date: 05/26/2021

Janine Jasso
(TYPE OR PRINT NAME)


(SIGNATURE OF APPLICANT OR ATTORNEY)
☒ ON INFORMATION AND BELIEF

Form Approved for Optional Use
Judicial Council of California
CR-111/JV-791 [Rev. July 1, 2015]

ABSTRACT OF JUDGMENT—RESTITUTION

Page 1 of 2
Penal Code, § 1202.4(i), (m), 1214;
Welfare and Institutions Code, § 730.6(i), (r);
Code of Civil Procedure, § 674
www.courts.ca.gov

000140

CR-111/JV-791

CASE NAME: People of the State of California v. Jamie Gallian	CASE NUMBER: 18WM05278
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CERTIFICATION

2. I certify that the following is a true and correct judgment entered in this action.
3. Judgment creditor (name): Janine Jasso
☒ whose address or whose attorney's address appears on this form above the court's name.
4. Judgment debtor (full name as it appears in judgment): Jamie Gallian
5. Judgment entered on (date): 12/12/2019
6. Total amount of judgment as entered or last renewed: \$ 13,229.24
7. ☐ A stay of enforcement was ordered on: _____ and is effective until: _____
☒ A stay of enforcement was not ordered.



This abstract of judgment was issued on (date): MAY 26 2021

Clerk, by

, Deputy

T. TRAN

EXHIBIT 4

1. 1/27/2021 Minute Order
2. Victim Witness Assistance Program Restitution Report 12/16/2020.
3. 4/27/2020 Correspondence from Janine Jasso to Victim Witness Program concerning Restitution.
4. 4/27/2020 Jasso Restitution Questionnaire
5. Itemization of Bills submitted by Janine Jasso

SUPERIOR COURT OF THE STATE OF CALIFORNIA,
COUNTY OF ORANGE

MINUTES

Case : 18WM05278 M A
Name : Gallian, Jamie Lynn

Date of Action	Seq Nbr	Code	Text
01/27/21	1	HHELD	Hearing held on 01/27/2021 at 08:30:00 AM in Department W13 for Hearing REST.
	2	HHELD	Hearing held on 01/27/2021 at 08:30:00 AM in Department W13 for Probation Violation Arraignment.
	3	OFJUD	Judicial Officer: Thomas Glazier, Judge
	4	OFJA	Clerk: L. Sanchez
	5	OFBAL	Bailiff: A. Gonzales
	6	TRPRT	Proceedings recorded electronically. The recording equipment is functioning normally, and all of the proceedings in open court between designated times of day will be recorded, except for such matters as were expressly directed to be "off the record" or as otherwise specified.
	7	APDDA	People represented by Gerard Gully, Deputy District Attorney, present.
	8	APDWAL	Defendant present in Court with counsel Derek Bercher, Alternate Defender.
	9	APBOT	., Victim, present in court.
	10	COVIDLVS	Per applicable law, including Code of Civil Procedure 124, this proceeding is being live streamed as described on the Orange County Court Website. The court notes that we are currently in the COVID-19 pandemic and previous judicial orders issued in that regard.
	11	ADSCD	Pursuant to the California Code of Judicial Ethics, Canon 3, subsection E(2), Court Disclosure regarding the criminal case filed in the People of the State of California v. Isaac Jones, case number 19CF0869 given by Thomas Glazier, Judge in court.
	12	TEXT	Court complied with "Administrative Order No. 20/19"
	13	TEXT	Court notes everyone in the courtroom is abiding by Social Distancing Guidelines; and in compliance with wearing a face mask
	14	FINPV	Notice of Grounds for Probation Violation served and filed on all parties.
	15	FITXT	Restitution Report dated 01-27-21 filed.
	16	FITXT	Victim Restitution Questionnaire dated 04-27-20 filed.
	17	CORAC	Court read and considered Victm/Witness Assistance Program restitution report dated 01-27-21.

SUPERIOR COURT OF THE STATE OF CALIFORNIA,
COUNTY OF ORANGE

MINUTES

Case : 18WM05278 M A

Name : Gallian, Jamie Lynn

Date of Action	Seq Nbr	Code	Text
01/27/21	18	CORAC	Court read and considered Victim Restitution Questionnaire dated 04-27-20.
	19	TRPDR	Case called. People answer ready. Defense answers ready.
	20	TRWST	Witness, J. Jasso, sworn and testified.
	21	STRHRG	Start of Exhibit List: for exhibit management purposes.
	22	TREXI	Defense Exhibit # A (Document(s))- Minute Order dated 11-29-18, Dept C-66 marked for identification.
	23	MONOB	No objection by People. entered into evidence
	24	TREXE	Defense Exhibit # A received into evidence.
	25	TREXI	Defense Exhibit # B (Document(s))- email from Derek Bercher dated 01-26-21, 3:58 PM marked for identification.
	26	MONOB	No objection by People. entered into evidence
	27	TREXE	Defense Exhibit # B received into evidence.
	28	TREXI	Defense Exhibit # C (Document(s))- Case summary 19WM09951 marked for identification.
	29	TRWEX	Witness excused.
	30	TRREC	At 11:36 AM, court declared a recess.
	31	TRALP2	Again in open court at 11:45 AM. Defendant present with counsel. People duly represented.
	32	TRTXT	Restitution Hearing continues
	33	TRPRS	People rest(s)
	34	TRDRS	Defense rests .
	35	MOTION	Motion argued.
	36	MONOB	No objection by People. as to Defense "C" being entered into evidence
	37	CORCR	The Court has reviewed correspondence and rules as follows:

SUPERIOR COURT OF THE STATE OF CALIFORNIA,
COUNTY OF ORANGE

MINUTES

Case : 18WM05278 M A

Name : Gallian, Jamie Lynn

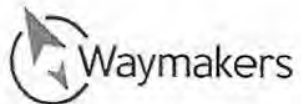
Date of Action	Seq Nbr	Code	Text
01/27/21	38	TEXT	Defendant to pay \$116.20 in restitution to Arielle Jasso plus 10% interest per year from date of loss.
			Defendant to pay \$9,222.05 in restitution to Janine Jasso plus 10% interest per year from date of loss.
			Defendant to pay a total of \$9,338.25 in restitution to the victims plus 10% interest per year from date of loss.
	39	PRRSET	Court sets restitution in the amount of \$9,338.25 as to count(s) 1, 2 plus 10% interest from date of loss per year and administrative fees, payable thru Victim Witness.
	40	NTPRT	Restitution Notice printed.
	41	DFRVW	Defendant ordered to report to Victim Witness office forthwith .
	42	TEXT	Regarding Bail Review
	43	MOTBY	Motion by Defense reconsideration on bail amount
	44	MOPEO	Objection by the People .
	45	MOTION	Motion granted.
	49	BLBXN	Court orders bail bond # CC250-01419294 exonerated.
	50	BLSTA	Bail set in the amount of \$50,000.00 to be posted by 02/03/2021.
	51	CLSET	Hearing set on 02/03/2021 at 04:00 PM in Department W13.
	52	CLTXT	Regarding: Posting \$50,000 Bond
	53	TEXT	Defendant advised to report to Department W-13 if unable to post bond
	54	MOTBY	Motion by Defense extension on jail stay date
	55	MOTION	Motion granted.
	56	JLSTC	30 days Jail as to count(s) 1, 2 further stayed to 03/05/2021 at 07:00 PM. This modifies the commitment dated 02/19/2021. Defendant to report to Theo Lacy Jail as ordered.
	57	JLCTS	Credit for time served: 1 actual, 1 conduct, totaling 2 days pursuant to Day-for-day.
	58	JLNBY	Defendant currently is not in custody.
	59	NTJAL	Notice to Sheriff issued.

SUPERIOR COURT OF THE STATE OF CALIFORNIA,
COUNTY OF ORANGE

MINUTES

Case : 18WM05278 M A
Name : Gallian, Jamie Lynn

Date of Action	Seq Nbr	Code	Text
01/27/21	60	CLSET2	Probation Violation re: Arraignment set on 03/04/2021 at 08:30 AM in Department W18.
	61	DFOTR	Defendant ordered to appear.
	62	BLCWR	Bail deemed sufficient and continued when received.
	63	TXKPW	Keep with companion cases(s) 20WM01978 and 20WM01978.



VICTIM/WITNESS ASSISTANCE PROGRAM

West Justice Center • 8141 13th Street • Westminster, CA 92683 • (714) 896-7191

RESTITUTION REPORT

Defendant: **Gallian, Jamie Lynn**

Case Number: **18WM05278**

Date of Hearing: **December 16, 2020**

On December 12, 2019 the above-named defendant pled guilty and was ordered to pay restitution, as determined and directed by Victim Witness, based on the charges of 166(a)(4) PC Contempt of Court-disobey court order.

After reading the police report, Victim Witness sent a restitution letter and questionnaire to victim Janine Jasso. Janine Jasso responded with a claim for the incident. The victim's losses are as follows:

- Hoag Clinic
 - Arielle Jasso (daughter)\$116.20
 - Janine Jasso\$119.70
 - West Justice Center
 - Certify Copies\$140.50
 - Vigil Defense Law Firm
 - Civil Harassment Restraining Order\$8,961.85
- Total Loss =** **\$9,338.25**

2/10/24



Superior Court of California
County of Orange
Criminal/Traffic Operations

10/08/2020

Jamie Lynn Gallian
16222 Monterey Ln Spc 376
Huntington Beach CA 92649-2258

Superior Court of California
County of Orange
West Justice Center
8141 13th Street
Westminster, CA 92683-4593

Phone: (657) 622-8459
www.occourts.org

Case Number #: 18WM05278

OC Pay #: 09466479

RE: AGREEMENT FOR PAYMENT OF VICTIM RESTITUTION AND WAIVER OF RESTITUTION HEARING

Under California Constitution Article I, Section 28(b)(13) and Penal Code Section 1202.4(a)(1), victims of crime who incur an economic loss as a result of the commission of a crime have a constitutional and statutory right to receive restitution directly from a defendant convicted of that crime.

You are ordered to pay restitution as follows:

VICTIM NAME	RESTITUTION AMOUNT ORDERED	AS TO COUNT(S)
JANINE JASSO	\$11,750.67	1,2

Total amount of restitution ordered is \$11,750.67 plus interest at the rate of 10% per year. Interest will be added to the amount of restitution that you owe, per the court's order. In addition to restitution, you must also pay a 10% Administration Fee of \$933.83. Interest is not added to the Administration Fee. It is a separate fee based only on the amount of restitution you owe before interest.

You have the right to a restitution hearing before a judge and to have the court determine the amount of restitution that you will be ordered to pay. At this hearing you have a right to be represented by an attorney. If you cannot afford an attorney, one will be appointed for you. If you dispute the amount of restitution set forth in this agreement, you must contact the Criminal Clerk's Office **within thirty (30) days** from the date of this notice and request a restitution hearing. Be advised that an inability to pay victim restitution cannot be considered in determining an amount of restitution owed to the victim.

If you accept the amount of restitution and would like to waive your right to a restitution hearing, please sign and return this form **within thirty (30) days** from the date of this notice with payment of the restitution in full, or report to the Collections Department to set up a payment plan. It is not necessary to appear in person to waive the restitution hearing if we receive this signed agreement by 11/04/2020 along with payment in full.

BE ADVISED THAT FAILURE TO COMPLY WITH THE TERMS OF THIS AGREEMENT, INCLUDING THE WILLFUL FAILURE TO PAY VICTIM RESTITUTION DESPITE HAVING THE FINANCIAL ABILITY TO DO SO, MAY RESULT IN COURT ACTION UP TO AND INCLUDING REVOCATION OF PROBATION AND / OR AN ISSUANCE OF A BENCH WARRANT FOR YOUR ARREST.

I AGREE TO PAY THE AMOUNT of Restitution as stated on this form and waive my right to have a Restitution Hearing. I understand the court will impose the restitution amount as ordered.

Defendant's Signature

Date



Superior Court of California
County of Orange
Criminal/Traffic Operations

10/08/2020

Jamie Lynn Gallian
16222 Monterey Ln Spc 376
Huntington Beach CA 92649-2258

Superior Court of California
County of Orange
West Justice Center
8141 13th Street
Westminster, CA 92683-4593

Phone: (657) 622-8459
www.occourts.org

Case Number #: 18WM05278

RE: AGREEMENT FOR

Under California Constitution A
economic loss as a result of the
from a defendant convicted of t

You are ordered to pay restituti

VICTIM NAME
JANINE JASSO

Total amount of restitution order
amount of restitution that you ov
Fee of \$933.83. Interest is not a
you owe before interest.

You have the right to a restitution
will be ordered to pay. At this ne
one will be appointed for you. If
Criminal Clerk's Office within th
that an inability to pay victim res

If you accept the amount of resti
form within thirty (30) days fro
Department to set up a payment
this signed agreement by 11/04/

BE ADVISED THAT FAILURE TO
FAILURE TO PAY VICTIM RES'
COURT ACTION UP TO AND IN
WARRANT FOR YOUR ARRES

I AGREE TO PAY THE AMOUN'
understand the court will impose

Defendant's Signature



STITUTION HEARING

times of crime who incur an
receive restitution directly

S)
1,2

will be added to the
a 10% Administration
the amount of restitution

nt of restitution that you
not afford an attorney,
u must contact the
hearing. Be advised
owed to the victim.

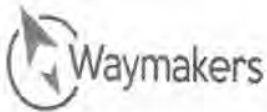
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D, MAY RESULT IN
CE OF A BENCH

Restitution Hearing, I

9/10/2020

Community Service Programs, Inc. Mail - 18WM05278 - Gallian, Jamie



Jeanet Ortiz <jortiz@waymakersoc.org>

DOV: 3/27/18

18WM05278- Gallian, Jamie

Janine Jasso <j9_jasso@yahoo.com>
To: Jeanet Ortiz <jortiz@waymakersoc.org>

Mon, Apr 27, 2020 at 10:12 AM

Dear Jeanet,

Attached is the restitution paperwork. The total is for \$9338.25. In the first PDF, I have included your original letter, the questionnaire, my attached explanation, and the medical bills, court costs and legal fees receipts. In my explanation, I included the fees for the civil restraining order because the HB police asked us to get the restraining order out of concern for additional protection due to the DA charges being brought against the defendant under this case 18WM05278.

In my second pdf, I included a true and correct copy of the civil 5-year restraining order that was issued in December 2018, but the TRO was issued on April 18, 2018 based on Police Report 18-004287, a few days before the DA filed this case against Defendant (April 25, 2018). Ms. Gallian, per the HBPD recommendation and which was provided to the civil court as the exhibit for the request for the civil restraining order. I hope my letter was clear so that the Court hopefully understands that we would never have asked for this civil restraining order if the police had not made the recommendation based on the charges coming from the DA's office against the defendant.

We have incurred more expenses than this, but this is the best I could find receipts for.

Thank you for all your help.

Janine Jasso

P: 213-247-6030

F: 413-723-1540

CONFIDENTIALITY NOTICE: This communication constitutes an electronic communication within the meaning of the Electronic Communications Privacy Act [18 USC 2510] and it is intended to be received and read only by certain individuals for their sole use and benefit. This e-mail and any files transmitted with it are the property of Janine Jasso, Esq. and/or affiliates, are confidential. Any other use retention, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited. It may contain information that is privileged or protected from disclosure by law. Receipt by anyone other than the intended recipient does not constitute a loss of the confidential or privileged nature of the communication. Any review or distribution by others is strictly prohibited. If it has been misdirected, or if you suspect you have received this in error, please notify me by replying and then delete both the message and reply immediately from your computer. Thank you.

[Quoted text hidden]

2 attachments

Case No 18WM05278, Janine Jasso request for restitution for 2 victims 042720.pdf
3445K

Jasso v Gallian Perm Restraining Order, no contact order, 10 yard stay away valid until 12 21 2023.pdf
4053K



CSP VICTIM/WITNESS ASSISTANCE PROGRAM
WEST JUSTICE CENTER
8141 13TH STREET
WESTMINSTER, CA 92683
(714) 896-7188

2/25/2020 14:45:25

Defendant: JAMIE LYNN GALLIAN

Case Number: 18WM05278

RESTITUTION QUESTIONNAIRE

Victim's Name Janine Jasso Home Phone: _____
Address _____ Work Phone: _____
Zip _____ Other Phone: _____

Note: You may attach additional pages if needed.

LIST ALL BILLS INCLUDED (attach a copy of each)

Bill From: _____	Phone _____	Amount \$ _____
Explanation _____		
Business _____	Phone _____	Amount \$ _____
Explanation _____		
Business _____	Phone _____	Amount \$ _____
Explanation _____		

LIST ALL BILLS INCLUDED (attach 3 estimates for each repair)

Explanation _____		
Business _____	Phone _____	Amount \$ _____
Business _____	Phone _____	Amount \$ _____
Business _____	Phone _____	Amount \$ _____

YOUR INSURANCE INFORMATION:

Insurance Company _____ Policy # _____
Name on claim _____ Claim # _____ your deductible \$ _____
Phone _____ Address _____
Amount of claim presented? _____ Amount Insurance Company paid? _____
Name of Adjuster _____ Check here _____ If you are not going to present a claim to your insurance company.

OTHER INSURANCE INFORMATION:

Please list any other insurance companies you are in contact with as a result of the crime.
Insurance Company _____ Policy # _____
Name on claim _____ Claim # _____ your deductible \$ _____
Phone _____ Address _____
Amount of claim presented? _____ Amount Insurance Company paid? _____

VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD INFORMATION:

Have you filed a Crime Victim Compensation Claim? ☒ No ☐ Yes
If yes, what is the claim number? _____

CIVIL ACTION INFORMATION:

Do you have a civil action pending? No Have you received a settlement? _____ Amount \$ _____

TOTAL LOSS

Please state your total out-of-pocket loss \$ 9338.25, and explain below how you arrived at this figure.
Explanation (You may add pages if needed): please see attached

THE FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE

SIGNED: Janine B. Jasso DATE 4-27-20

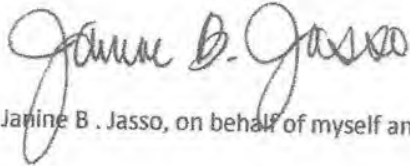
List of Bills included (Copies Attached)

1. Medical Care for Arielle Jasso, Dr. Sattazadeh, Review of Arielle's health due to her fear of going to school because the defendant continues to violate the restraining order next to the school and Arielle see her there when defendant has been ordered to stay away 100 yards, March 11, 2020, \$116.20, paid by credit card. Arielle is one of defendant's victims.
2. Medical Care for Janine Jasso, Dr. Sattazadeh, treatment for anxiety rashes all over my body due to defendant's ongoing violations of the restraining order 100 yard stay away order, stalking me at my home, \$119.70, March 11, 2020, paid by credit card. I am one of defendant's victims.
3. Superior Court, West Justice Center, certified copy of the court minutes for Case No. 18WM05278, to provide to HB Police officers showing that the defendant conditionally released with a stay away order from my home, my daughter Arielle and I, defendant's victims. July 22, 2019, \$55.00, paid with credit card.
4. Superior Court, West Justice Center, certified copy of the court minutes for Case No. 18WM05278, to provide to HB Police Officers showing the defendant was convicted and released on probation, and criminal protective order issued for 3 years to protect my daughter and I (her victims) and our home with a 100 yard stay order, no contact order, for 3 years., January 17, 2020, \$85.50, paid with credit card.
5. Legal bills for civil representation by Vigil Defense Law Firm, P.C. to obtain a civil restraining order protecting me and my daughter, our home, our children's schools, our work, and cars. In March 2018, my daughter and I were protected from defendant under a civil Workplace Violence Restraining order. The defendant violated the no-contact order. There was a 10 yard stay away order as well. In April 2018, several days before the misdemeanor charges were filed in this Case No. 18WM05278, the HBPD requested that I get another civil restraining order right away with a greater stay order, before the Orange County District Attorney filed the criminal charges against the defendant. The HBPD informed me that they were concerned for our safety, but the police did not know when a criminal protective order could be issued by the criminal Court. The HBPD warned that defendant may retaliate when she is charged by the District Attorney. To help keep my daughter and I and my family safe, on April 18, 2018, I filed a request for a civil protective order requesting a greater stay away order (80 yards). The civil court issued a temporary restraining order and scheduled an OSC hearing for a permanent restraining order. At the first hearing, I tried to represent myself so that I could avoid incurring huge legal fees. I realized that I didn't know how to represent myself as I had never done this before. I immediately found an attorney, Martina Teinart from Vigil Defense Law Firm. She agreed to represent me and my daughter and our family to get a permanent civil restraining order so that we would be additionally protected during the criminal proceedings. The attached bills include the retainer fees, the additional representation fee defending the defendant's anti-slapp motion, and the expenses which total \$8961.85. Attached also is the permanent restraining order that was finally issued in December 2018, after defendant's motions causing delays.

The costs above were incurred because of defendant violating the restraining order protecting my daughter and I, which are her victims. The defendant continues to violate the civil restraining orders protecting me and my family. The defendant has been charged with additional contempt of court charges, Case No Z0WM01978. My daughter and I, defendant's victims, continue to be very afraid for

our safety and feel like the restraining order is necessary to help keep us safe from the defendant.
Therefore, these costs have been necessary to help keep us safe and recover from her stalking behavior.

Thank you for your help with all of this,

A handwritten signature in cursive script, reading "Janine B. Jasso". The signature is written in dark ink and is positioned above the typed name.

Janine B . Jasso, on behalf of myself and my minor daughter, Arielle Jasso

3/31/2020

Transaction Receipt

Merchant: Vigil Defense Law Firm PC	
1043 CIVIC CENTER DR W. SANTA ANA, CA 92703 US	
714-543-5840	
Order Information	
Description:	Jasso retainer
Order Number:	P.O. Number:
Customer ID:	Invoice Number:
Billing Information	Shipping Information
Janine Jasso 79937	
	Shipping: 0.00 Tax: 0.00 Total: USD 5,000.00
Payment Information	
Date/Time:	15-May-2018 15:20:12 PDT
Transaction ID:	40706747366
Transaction Type:	Authorization w/ Auto Capture
Transaction Status:	Settled Successfully
Authorization Code:	84936T
Payment Method:	MasterCard XXXX5025

Vigil Defense Law Firm, P.C.

1043 Civic Center Dr W #200
Santa Ana, California 92703
Phone: (714) 543-5840
Fax: (714) 542-0468
Email: mteinert@vigildefense.com
www.vigildefense.com

INVOICE

Invoice # 1256
Date: 07/02/2018
Due Upon Receipt

Janine Jasso
4469 Chase Drive
Huntington Beach, CA 92649

00559-Jasso

Civil Harassment Restraining Order

Type	Date	Description	Quantity	Rate	Total
Expense	06/08/2018	Reimbursable expense: DDS service - File substitution of attorney and proof of service of substitution of attorney	1.00	\$32.20	\$32.20
Expense	06/15/2018	Reimbursable expense: DDS service - File petitioner's witness list and proof of service of witness list	1.00	\$29.95	\$29.95
Expense	06/19/2018	Reimbursable expense: Cost of certified copies for hearing	1.00	\$267.50	\$267.50
				Total	\$329.65

Detailed Statement of Account

Current Invoice

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
1256	07/02/2018	\$329.65	\$0.00	\$329.65
Outstanding Balance				\$329.65
Total Amount Outstanding				\$329.65

07/02/2018

Make all amounts payable to: Vigil Defense Law Firm, P.C. Please call us at (714) 543-5840 if you have any questions regarding this Invoice.

3/31/2020

Transaction Receipt

Merchant: Vigil Defense Law Firm PC

1043 CIVIC CENTER DR W.
SANTA ANA, CA 92703
US

714-543-5840

Order Information

Description: Jasso

Order Number:

P.O. Number:

Customer ID:

Invoice Number:

Billing Information

Janine Jasso
79937

Shipping Information

Shipping 0.00
Tax: 0.00
Total: USD 2,132.20

Payment Information

Date/Time: 12-Feb-2019 15:45:04 PST
Transaction ID: 61556227125
Transaction Type: Authorization w/ Auto Capture
Transaction Status: Settled Successfully
Authorization Code: 14904T
Payment Method: MasterCard XXXX5025

3/31/2020

Transaction Receipt

Merchant: Vigil Defense Law Firm PC	
1043 CIVIC CENTER DR W. SANTA ANA, CA 92703 US	
714-543-5840	
Order Information	
Description:	Jasso Retainer
Order Number:	P.O. Number:
Customer ID:	Invoice Number:
Billing Information	Shipping Information
Janine Jasso 92649	
	Shipping: 0.00 Tax: 0.00 Total: USD 1,500.00
Payment Information	
Date/Time:	14-Aug-2019 10:37:11 PDT
Transaction ID:	41521459069
Transaction Type:	Authorization w/ Auto Capture
Transaction Status:	Settled Successfully
Authorization Code:	71152T
Payment Method:	MasterCard XXXX2817

Page 1 of 1

Page 1 of 1

WEST JUSTICE CENTER T C
8141 13TH ST
WESTMINSTER, CA 92683
(657) 622-8459

WEST JUSTICE CENTER T C

Date: 01/17/2020 12:39:23 PM

CREDIT CARD SALE

MASTERCARD
CARD NUMBER: *****2817 S
TRAN AMOUNT: \$85.50
APPROVAL CD: 06598T
RECORD #: 000
CLERK ID: mmathewson
INVOICE #: Non case payment

Thank you for your payment!

Customer Copy

WEST JUSTICE CENTER T C
8141 13TH ST
WESTMINSTER, CA 92683
(657) 622-8459

WEST JUSTICE CENTER T C

Date: 07/22/2019 03:51:25 PM

CREDIT CARD SALE

MASTERCARD
CARD NUMBER: *****5025 S
TRAN AMOUNT: \$55.00
APPROVAL CD: 03231T
RECORD #: 000
CLERK ID: dduffy
INVOICE #: certified copies

Thank you for your payment!

Customer Copy

HOAG CLINIC

Date: 03/11/2020 Visit: 43439383

Date: 03/11/2020 Visit: 43439383

Patient: JASSO, ARIELLE

Patient: JASSO, ARIELLE

MRN: 3086737

MRN: 3086737

Provider: SATTARZADEH MD, SAMAN F

Provider: SATTARZADEH MD, SAMAN F

Amount: \$116.20

Amount: \$116.20

Type of Payment: CREDIT CARD

Type of Payment: CREDIT CARD

MC/116.20/RN,036-00072987

Batch: 60553 Initials: RNUNE

Invoice: 48421228

HOAG CLINIC

Date: 03/11/2020 Visit:43439654

Date: 03/11/2020 Visit:43439654

Patient: JASSO, JANINE

Patient: JASSO, JANINE

MRN: 3603763

MRN: 3603763

Provider: SATTARZADEH MD, SAMAN F

Provider: SATTARZADEH MD, SAMAN F

Amount: \$119.70

Amount: \$119.70

Type of Payment: CREDIT CARD

Type of Payment: CREDIT CARD

MC/119.70/RN,034-00114082

Batch: 60553 Initials: RNUNE

Invoice: 48421237

EXHIBIT 5

1. 11/26/2019 People's Sentencing Brief See page 5, Line 5-7. ".....there are no damages caused by defendant criminal contact. "
2. 12/8/2019 Janine Jasso's victim Impact Statement requests jail time for Gallian, when she knew the entire complaint she instigated with the prosecutor was a lie.
3. Defense Notice and Motion For New Trial; Motion to Set Aside Verdicts.

1 TODD SPITZER, DISTRICT ATTORNEY
2 COUNTY OF ORANGE, STATE OF CALIFORNIA
3 BY: GERARD GULLY
4 Deputy District Attorney
5 Bar Number 322873
6 401 Civic Center Drive West
7 SANTA ANA, CALIFORNIA, 92701
8 TELEPHONE: (714) 834-3584

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
WEST JUSTICE CENTER

NOV 26 2019

DAVID H. YAMASAKI, Clerk of the Court

BY: W/O DEPUTY

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

THE PEOPLE OF THE STATE OF CALIFORNIA, }
Plaintiff,
vs.
JAMIE LYNN GALLIAN
Defendant.

Case No.: 18WM05278

PEOPLE'S SENTENCING BRIEF
SENTENCING SET FOR 12-12-19

I. INTRODUCTION

The defendant in this case was found guilty at trial, and sentencing has been set over to the above hearing date. The People submit this brief to advocate for a sentence that the People believes will be in the interests of justice. As the court is aware, Division 5 of the California Rules of Court governs sentencing policy for felony cases. Therefore, while not legally binding on this court for a misdemeanor conviction, the principles of public policy that Division 5 outlines are still factors that the court should consider when deciding sentencing. For the court's convenience, those policy factors are listed here in this brief, along with factors in aggravation and mitigation for sentencing.

II. MINIMUM AND MAXIMUM SENTENCING

The defendant's maximum exposure in this case is 2 years, and \$2,000 due to two convictions of 166(a)(4). Because they are against separate victims, PC 654 does not reduce this exposure.

The defendant's minimum sentence in this case is the standard \$150 State Restitution fine, and

1 the various costs of conviction fees.

2 **III. OBJECTIVES OF SENTENCING**

3 Section 4.410 of the California Rules of Court, outlines the objectives the court should consider
4 for sentencing. As your honor knows, those objectives are:

- 5 (1) Protecting society;
- 6 (2) Punishing the defendant;
- 7 (3) Encouraging the defendant to lead a law-abiding life in the future and deterring him or
8 her from future offenses;
- 9 (4) Deterring others from criminal conduct by demonstrating its consequences;
- 10 (5) Preventing the defendant from committing new crimes by isolating him or her for the
11 period of incarceration;
- 12 (6) Securing restitution for the victims of crime;
- 13 (7) Achieving uniformity in sentencing; and
- 14 (8) Increasing public safety by reducing recidivism through community-based corrections
15 programs and evidence-based practices.

16 That same section also acknowledges that "because in some instances these objectives may
17 suggest inconsistent dispositions, the sentencing judge must consider which objectives are of
18 primary importance in the particular case. The sentencing judge should be guided by statutory
19 statements of policy, the criteria in these rules, and any other facts and circumstances relevant to
20 the case." CRC 4.410.

21 **IV. GRANTING OR DENYING PROBATION**

22 The California Rules of Court set out the criteria affecting the decision to grant or deny
23 probation, which includes facts relating to the crime and facts relating to the defendant.

24 **"(a) Facts relating to the crime**

25 Facts relating to the crime include:

- 26 (1) The nature, seriousness, and circumstances of the crime as compared to other instances
27 of the same crime;
- 28 (2) Whether the defendant was armed with or used a weapon;
- (3) The vulnerability of the victim;
- (4) Whether the defendant inflicted physical or emotional injury;
- (5) The degree of monetary loss to the victim;
- (6) Whether the defendant was an active or a passive participant;
- (7) Whether the crime was committed because of an unusual circumstance, such as great
provocation, which is unlikely to recur;
- (8) Whether the manner in which the crime was carried out demonstrated criminal
sophistication or professionalism on the part of the defendant; and
- (9) Whether the defendant took advantage of a position of trust or confidence to commit
the crime.

29 **"(b) Facts relating to the defendant**

1 Facts relating to the defendant include:

- 2 (1) Prior record of criminal conduct, whether as an adult or a juvenile, including the
3 recency and frequency of prior crimes; and whether the prior record indicates a pattern
4 of regular or increasingly serious criminal conduct;
5 (2) Prior performance and present status on probation, mandatory supervision, postrelease
6 community supervision, or parole;
7 (3) Willingness to comply with the terms of probation;
8 (4) Ability to comply with reasonable terms of probation as indicated by the defendant's
9 age, education, health, mental faculties, history of alcohol or other substance abuse,
10 family background and ties, employment and military service history, and other
11 relevant factors;
12 (5) The likely effect of imprisonment on the defendant and his or her dependents;
13 (6) The adverse collateral consequences on the defendant's life resulting from the felony
14 conviction;
15 (7) Whether the defendant is remorseful; and
16 (8) The likelihood that if not imprisoned the defendant will be a danger to others."

17 CRC 4.414.

18 In the present case, due to the defendant's apparent lack of remorse, and unwillingness to
19 comply with court orders on her own, including the terms of her own release on OR and on bail,
20 the People believe that probation is proper, and that the defendant should not be given a terminal
21 sentence. The People believe that the supervision of the court and maintenance of the court's
22 jurisdiction would best protect the public's interest in court orders being complied with, as well
23 as reduce the likelihood of the defendant reoffending.

24 **V. CONCURRENT VS. CONSECUTIVE SENTENCING IN THIS CASE**

25 California Rule of Court 4.414 lists factors affecting the decision to impose consecutive rather
26 than concurrent sentences, which includes:

27 **"(a) Facts relating to crimes**

28 Facts relating to the crimes, including whether or not:

- (1) The crimes and their objectives were predominantly independent of each other;
(2) The crimes involved separate acts of violence or threats of violence; or
(3) The crimes were committed at different times or separate places, rather than being
committed so closely in time and place as to indicate a single period of aberrant
behavior.

CRC 4.414.

In the present case, under the California Rules of Court, concurrent sentencing would be the
proper form of sentencing.

VI. FACTORS IN MITIGATION

California Rule of Court 4.423 lists circumstances in mitigation, which includes factors relating to the crime and factors relating to the defendant.

"(a) Factors relating to the crime

Factors relating to the crime include that:

- (1) The defendant was a passive participant or played a minor role in the crime;
- (2) The victim was an initiator of, willing participant in, or aggressor or provoker of the incident;
- (3) The crime was committed because of an unusual circumstance, such as great provocation, that is unlikely to recur;
- (4) The defendant participated in the crime under circumstances of coercion or duress, or the criminal conduct was partially excusable for some other reason not amounting to a defense;
- (5) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime;
- (6) The defendant exercised caution to avoid harm to persons or damage to property, or the amounts of money or property taken were deliberately small, or no harm was done or threatened against the victim;
- (7) The defendant believed that he or she had a claim or right to the property taken, or for other reasons mistakenly believed that the conduct was legal;
- (8) The defendant was motivated by a desire to provide necessities for his or her family or self; and
- (9) The defendant suffered from repeated or continuous physical, sexual, or psychological abuse inflicted by the victim of the crime, and the victim of the crime, who inflicted the abuse, was the defendant's spouse, intimate cohabitant, or parent of the defendant's child; and the abuse does not amount to a defense.

(b) Factors relating to the defendant

Factors relating to the defendant include that:

- (1) The defendant has no prior record, or has an insignificant record of criminal conduct, considering the recency and frequency of prior crimes;
- (2) The defendant was suffering from a mental or physical condition that significantly reduced culpability for the crime;
- (3) The defendant voluntarily acknowledged wrongdoing before arrest or at an early stage of the criminal process;
- (4) The defendant is ineligible for probation and but for that ineligibility would have been granted probation;
- (5) The defendant made restitution to the victim; and
- (6) The defendant's prior performance on probation, mandatory supervision, postrelease community supervision, or parole was satisfactory.

(c) Other factors

1 Any other factors statutorily declared to be circumstances in mitigation or that reasonably
2 relate to the defendant or the circumstances under which the crime was committed.”
3 CRC 4.423.

4 Here, the primary factors of mitigation are the defendant’s lack of prior criminal convictions
5 and the lack of violence relating to the crime. While the defendant has not taken responsibility
6 or acknowledged any wrongdoing in this case, it does appear that there are no damages caused
7 by the defendant’s criminal conduct.
8

9 **VII. FACTORS IN AGGRAVATION**

10 California Rule of Court 4.421 lists circumstances in aggravation, which includes factors relating
11 to the crime and factors relating to the defendant.

12 **“(a) Factors relating to the crime**

13 Factors relating to the crime, whether or not charged or chargeable as enhancements include
14 that:

- 15 (1) The crime involved great violence, great bodily harm, threat of great bodily harm, or
16 other acts disclosing a high degree of cruelty, viciousness, or callousness;
- 17 (2) The defendant was armed with or used a weapon at the time of the commission of the
18 crime;
- 19 (3) The victim was particularly vulnerable;
- 20 (4) The defendant induced others to participate in the commission of the crime or occupied
21 a position of leadership or dominance of other participants in its commission;
- 22 (5) The defendant induced a minor to commit or assist in the commission of the crime;
- 23 (6) The defendant threatened witnesses, unlawfully prevented or dissuaded witnesses from
24 testifying, suborned perjury, or in any other way illegally interfered with the judicial
25 process;
- 26 (7) The defendant was convicted of other crimes for which consecutive sentences could
27 have been imposed but for which concurrent sentences are being imposed;
- 28 (8) The manner in which the crime was carried out indicates planning, sophistication, or
professionalism;
- (9) The crime involved an attempted or actual taking or damage of great monetary value;
- (10) The crime involved a large quantity of contraband; and
- (11) The defendant took advantage of a position of trust or confidence to commit the
offense.
- (12) The crime constitutes a hate crime under section 422.55 and:
 - (A) No hate crime enhancements under section 422.75 are imposed; and
 - (B) The crime is not subject to sentencing under section 1170.8.

1 **(b) Factors relating to the defendant**

2 Factors relating to the defendant include that:

- 3 (1) The defendant has engaged in violent conduct that indicates a serious danger to society;
4 (2) The defendant's prior convictions as an adult or sustained petitions in juvenile
delinquency proceedings are numerous or of increasing seriousness;
5 (3) The defendant has served a prior term in prison or county jail under section 1170(h);
6 (4) The defendant was on probation, mandatory supervision, postrelease community
supervision, or parole when the crime was committed; and
7 (5) The defendant's prior performance on probation, mandatory supervision, postrelease
community supervision, or parole was unsatisfactory.

8 **(c) Other factors**

9 Any other factors statutorily declared to be circumstances in aggravation or that reasonably
10 relate to the defendant or the circumstances under which the crime was committed.”
CRC 4.421.

11 In this case, the crime involved one victim who was particularly vulnerable, and was an 8
12 year old at the time.

13 Most of the aggravation relating to this case comes from the factors relating to the
14 defendant's subsequent conduct. The defendant has repeatedly been told to stay 100 yards away
15 from Ms. Jasso and her residence, and has violated that order. In this case alone, the defendant has
16 been involved in multiple bail review hearings due to multiple violations of the terms of her release.
17 Judge Kevin Haskins, after one such hearing involving three separate violations, set bail in the case
18 to \$50,000 with terms of release on bail including no contact and a 100 yard stay away order from
19 Ms. Jasso and her residence. The defendant then subsequently violated this condition twice. Judge
20 Thomas McConville, who also served as the trial judge, found the defendant to be in violation of
21 this condition in a hearing in this case. Despite no action being taken as a result of the defendant's
22 subsequent violation, this is still an aggravating factor. Additionally, Judge Sheila Recio found the
23 defendant in violation of the terms of her release on bail in this case subsequently and added an
24 additional term of release on bail.

25 On top of all of this, Ms. Jasso has reported numerous other violations of the 100 yard stay
26 away order and reports that this is an ongoing harassment campaign from the defendant. The
27 aggravation in this case arises from a course of conduct meant to harass, annoy, and intimidate Ms.
28 Jasso and her family. Between this date of violation and 8-19-18, there were 21 document instances

1 of the defendant violating the civil court's restraining order. The People had received 37 alleged
2 violations, but elected to file 21 of them because those 21 meet our proof requirements. Ultimately,
3 that separate case, 19WM05479, was dismissed in the interests of judicial economy and to prevent
4 further delay of proceedings on the present case. However, this conduct is still aggravating as it all
5 relates to the same victim as in this case, and is the same crime alleged.

6
7 **VIII. PEOPLE'S SENTENCE RECOMMENDATION**

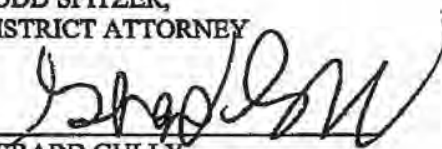
8 In this case, the People recommend the following sentence.

- 9 • 3 years of informal probation, with the following terms and conditions: stay 100 yards
10 away from 16025 Warmington Lane Huntington Beach, CA, have no contact with
11 Janine Jasso or Arielle Jasso, own or possess no weapons for the term of probation,
12 submit your person and property to search and seizure at the request of law enforcement,
13 and any other usual terms and conditions the court finds proper to apply.
14 • 30 days of Orange County Jail, stayed pending completion of 15 days of CalTrans, and
15 pending no new violations of the probation stay away order.
16 • The standard fines and fees of conviction, as well as the State Restitution Fine.

17
18 Dated: 11/25/2019

19 Respectfully submitted,

20 TODD SPITZER,
21 DISTRICT ATTORNEY

22 
23 GERARD GULLY
24 Deputy District Attorney
25
26
27
28

VICTIM IMPACT STATEMENT

Please use this as a guide. Please use additional paper as needed.

Defendant's Name: Jamie L. Gallian Court Case Number: 18WM05278

Victims' Names: Janine Jasso and Arielle Jasso Completed By: Janine Jasso, December 8, 2019

1. Emotional/Physical Impact: How has this affected you and your family: physically and emotionally list any injuries or continuing problems.
2. Financial Impact: List any personal property loss, medical expenses: current and future counseling expenses, funeral/burial expenses, lost wages/ income loss, and any other expenses incurred as a result of being victimized.
3. Sentencing Recommendation: Discuss what you would like to see the Judge impose on the defendant at sentencing: jail time, counseling, restitution, no contact order and any other information you want the Judge to know

Good morning and thank you. My family and I are grateful to the court, the district attorney and the jury for working so hard to enforce the law and get justice for me and my family. Their collective guilty verdicts demonstrate to me that they acknowledge the seriousness of the defendant's intentional behavior to ignore the protective orders imposed by the court. Again, thank you.

I have given so much thought as to whether to be speak in person or submit my impact statement in writing. I am submitting this in writing, because, ultimately, I am afraid of Ms. Gallian. My fear is equally based upon her unlawful conduct committed against me and my family and what will happen to us in the future. As you are aware, this is not Ms. Gallian's first contact with the court or law enforcement. I have attached a list (attachment 1). The reason I have given you this list is because Ms. Gallian warned us that this would never end. Based on her actions, we believe her.

My husband and I have been fortunate. We have 37 years and counting together. We work really hard, pay our taxes, and have two beautiful children. Arielle, who is **7 years old** and a victim in this case, attends the Huntington Beach elementary school next to our home. I volunteer on the PTA and as a homeroom mother. I am a tax attorney. Because of my Spanish and Mandarin language skills, I volunteer with VITA to help prepare tax returns in under-served communities. We live in a small, beautiful HOA with only 80 families on a land lease, affectionately known as The Gables. It's a real-life Mr. Roger's Neighborhood, where people say good morning every day and would give you the shirt off their backs. We love our community, and Ms. Gallian, like all neighbors, was welcomed into our condo all the time. We gave her a helping hand whenever she asked.

One of the biggest benefits of living in an HOA is the peace and harmony neighbors enjoy because of the rules. Ms. Gallian chose to live in an HOA, so I still don't understand why she attacked any of us, especially Arielle, our **7-year-old** daughter. Arielle even abides by the rules and teaches the little kids how to follow them. This is Arielle when Ms. Gallian turned the full force of her hostility on our baby (attachment 2- photo of us at Disneyland). Arielle was innocent of everything, as we never spoke ill of Ms. Gallian, never provoked her, and raised our children to respect her like we did with everyone in The Gables.

Impact of the Defendant's Dangerous, Stalking Behavior:

What makes me most afraid going forward is that the defendant keeps telling everyone there is no restraining order. It's a depraved heart that intentionally abuses a **7-year-old little girl**. She goes out of her way to violate the court's orders and blames us for it. I now believe she will never follow the court's orders, which makes her very dangerous.

The emotional pain this has caused is unbearable. We live in a constant state of fear for our safety. It permeates the day and night. Since the incident on March 27, 2018, her words and actions made us feel that she intended to hit or kill one of us. Arielle stopped trusting adults that day. Arielle has nightmares that the defendant is going kill her at school or in our home.

Arielle cries when she sees the defendant sitting in her car across the street and staring at her window. Arielle often refuses to go to school, crying up to 30 mins or more because she is afraid Ms. Gallian will hurt her in school. Her school has been forced to spend precious financial resources on added security measures to help keep our daughter safe from the defendant. I endure numerous nightmares. I worry all day long about my family's safety, especially my little girl's. We are in counseling and continue to need it.

The physical impact has been rough as well. We feel trapped in our home. She is big and strong, and we cannot outrun her. Since I have had no experience before Ms. Gallian with people violating restraining orders, my family and I relied on The Huntington Beach police to help us. They did not arrest her, but they told me they warned her several times to follow the restraining orders. Each time Ms. Gallian violated the restraining order, an officer would give us advice on how to deal with living so close to a predator. When the police recommended that we install surveillance cameras, **we did**. When the police recommended that we change all of our routines and stop walking Arielle to school, **we did**. Another officer said that The Gables was a "target rich environment" for Ms. Gallian, and recommended we never go outside if she was home. Per the officer's advice, we checked to make sure she wasn't home before going outside to play or do HOA work. I had to stop volunteering with the VITA program, and reduced the help I gave to the HOA. I was forced to end Arielle's Kumon classes because her teachers were afraid. My son and I stopped tutoring math and economics outside with the children.

When a police officer saw videos of my daughter on Ms. Gallian phone and heard the threatening voicemail messages, he recommended that we move out of Ms. Gallian's line of sight. **We did**. But within a couple of weeks, Ms. Gallian moved across the street from us to again keep my family and my home in her direct line of sight. Because of her direct line of sight, she has been able to threaten us within a minute of opening our front door.

I have rashes all over my body caused by anxiety. I wake up and go to sleep crying. I've gained weight from being unable to safely walk or ride my bike in our community. I have lost work. I am constantly looking over my shoulder everywhere I go. We double check the security cameras before we walk out the front door. I wake up to noises during the night and double check the locks. I am careful to look out for the defendant in public parking lots to make sure her car is not there before I park.

Sentencing we are asking for:

My family and I were raised with the value of being law-abiding citizens and serve our community. We always try to do what is right and believe in our justice system. However, we have had to completely upend our lives, because the defendant is mean, out-of-control, and free to continue. Again, the defendant threatened and showed us that this will never end.

Despite all of the prior Court protective orders, fines and bail and law enforcement warnings, I have seen Ms. Gallian lie to the Court and claim there is no court order, undeterred in her quest to harass our family and instill fear in our everyday lives. Ms. Gallian has succeeded in making us feel unsafe in our home. If Ms. Gallian is not finally shown the legal consequences of her actions in actual incarceration, I can assure this Court she will be emboldened to continue her unlawful conduct. It is because my child and I have been victimized by Ms. Gallian that we know her wrath. We are not her first victims and we will not be her last.

Please protect us. Unlike Leslie and Barbara, I have not been put in the hospital. But that doesn't mean it won't happen. I am the sole provider for my family. I believe we are all in danger. After serious thought, I see no other alternative to protect my family and me except for her to receive a jail sentence. So, I am asking the court to impose the maximum jail sentence. We are also asking for a 300 yard stay away order and a no contact order for 7 years for me and my family and my home to give us a greater safety zone so that we can begin to heal and our sweet daughter can grow up peacefully without fear.

Thank you for all your help.

What is a Victim Impact Statement and How is it Used?

As a crime victim, you have the opportunity to use this Victim Impact Statement to describe how this crime affected you and others close to you. This statement has space for you to write about the physical, emotional, and financial effects of this crime, as well as any other changes in your life you may have experienced. If the defendant pleads guilty or is found guilty after trial, your impact statement will help the judge understand how this crime has affected you and those close to you.

Filling out this statement is voluntary.

You do not have to fill out a victim impact statement. However, it may be helpful to the judge when he or she decides what sentence the defendant should receive and/or any money the defendant may have to pay you for expenses you have paid or owe because of this crime. When the judge makes the defendant pay the victim it is called "restitution." If the judge orders the defendant to pay you restitution, there is no guarantee that the defendant will be able to pay the entire amount.

Your statement will become an official court document after it is given to the court, and will become part of the defendant's permanent file. The judge, prosecutor and probation officer will read your statement. In addition, prison and parole officials may read your statement if the defendant is sentenced to a prison term. The defendant and the defendant's attorney will also be able to read what you have written. They may even be able to ask you questions about your statement in court. However, the defendant will not be able to see your address and telephone number because you are not asked to put them on your statement. No one knows better than you how this crime may have changed your life. Those of us involved in your case believe that it is very important for you to help the court understand all of the ways this crime has affected you and those near you. Thank you for taking the time to provide us with this information.

You may also have the right to speak to the judge at the time of sentencing. If you would like to do so, please contact our office right away and we will help set this up for you.

You may also have the right to give your victim impact statement in the form of an audio or video tape. If you would like to do this, please contact our office right away for further information.

The statement asks what you believe the sentence should be in this case. Although the judge will decide the defendant's sentence, the judge may consider your opinion before making this decision. Your statement also may be used at other hearings where decisions are made about the parole or releasing the defendant early.

Suggestions for Completing Your Impact Statement:

The following suggestions are offered only as a guide in filling out this form. Feel free to write in your own words how this crime has affected you and those close to you. Please answer as many questions as you wish. If a question makes you feel uncomfortable, you do not have to answer it.

If you need more space or you wish to provide information in a different way, please use as much paper as you need, and attached the pages to this form when you return it. If you feel uncomfortable in any way using this form, you may write a letter to the judge and tell him or her how this crime has affected you and those close to you.

1 FRANK DAVIS
2 Alternate Defender
3 Orange County
4 RICARDO VALLEJO
5 Deputy Alternate Defender
6 600 W. Santa Ana Blvd., 6th Floor
7 Santa Ana, CA 92701

8 (714) 568-4160
9 Fax: (714) 568-4200

10 *Attorneys for Defendant Gallian*

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
WEST JUSTICE CENTER

DEC 12 2019

DAVID H. YAMASAKI, Clerk of the Court

BY: L. LEE, DEPUTY

Dept. W17
Motion: 12/12/19

11
12 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF ORANGE, CENTRAL JUSTICE CENTER
14

15 PEOPLE OF THE STATE OF
16 CALIFORNIA,

17 Plaintiff,

18 vs.

19 JAMIE GALLIAN

20 Defendant

Case No.: 18WM05278

NOTICE OF MOTION AND MOTION
FOR NEW TRIAL; MOTION TO SET
ASIDE VERDICTS; POINTS AND
AUTHORITIES IN SUPPORT THEREOF.

21 **NOTICE IS HEREBY GIVEN** that on Thursday December 12, 2019 at 9:00 a.m., or
22 as soon thereafter as the matter may be heard in Department W17 of the above-entitled court,
23 defendant Jamie Gallian will move this court for a new trial and to set aside verdicts as counts
24 1 and 2 pursuant to Penal Code Section 1181 and on Constitutional grounds.

25 This motion is based upon the grounds that improper evidence was admitted before the
26 jury, which denied defendant due process and a fair trial. This motion is based upon the
27 records and exhibits contained in the court file, the reporter's transcript of the jury trial, the
28 attached Points and Authorities, the attached exhibits to this motion, the arguments of counsel
and any documentary or oral testimony which may be presented at the hearing of this motion.

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1 appropriate circumstances justice will be expedited by avoiding appellate review, or habeas
2 corpus proceedings, . . . “ (*Id.* at 582-583; Cited with approval in *People v. Smith* (1993) 6
3 Cal.4th 684, 693.). In order to expedite the process and avoid the need for appellate review
4 the court should grant a motion for new trial, especially where error is clear.

5
6 **PENAL CODE SECTION 1181**

7 Penal Code Section 1181 states the various statutory grounds upon which application
8 for new trial may be granted. It states in pertinent part:

9 “When a verdict has been rendered or a finding made against the defendant,
10 the Court may, upon his application, grant a new trial, in the following cases
11 only:
12 ...

13
14 6. When the verdict or finding is contrary to law or evidence, but if the
15 evidence shows the defendant to be not guilty of the degree of the crime of
16 which he was convicted, but guilty of a lesser degree thereof, or of a lesser
17 crime included therein, the court may modify the verdict, finding or judgment
18 accordingly without granting or ordering a new trial, and this power shall
19 extend to any court to which the cause may be appealed;

20
21 7. When the verdict or finding is contrary to law or evidence, but in any case
22 wherein authority is vested by statute in the trial court or jury to recommend
23 or determine as a part of its verdict or finding the punishment to be imposed,
24 the court may modify such verdict or finding by imposing the lesser
25 punishment without granting or ordering a new trial, and this power shall
26 extend to any court to which the case may be appealed;

27
28 Although the statute purports to limit the court’s authority to grant a new trial to the
specifically enumerated situations, the Legislature has no power to limit the court’s
constitutional obligation to assure a defendant a fair trial, i.e., the court’s authority to grant a
new trial cannot be limited to the enumerated situations. Broad discretion is necessary to
ensure that defendants are accorded due process of law. (*People v. Fosselman* (1983) 33

1 Cal.3d 572, 582.) Thus, the court's authority to grant a new trial is not limited to the grounds
2 specifically enumerated in section 1181.

3 4 EVIDENCE AT ISSUE

5 During the trial the defense presented evidence of numerous other hearings and findings
6 that took place in a related civil matter. There was also documents presented by both sides that
7 were taken from those hearings. Among those exhibits was "People's exhibit #3" this was a
8 stipulation taken from a prior civil hearing. The document set forth reasons for a continuance
9 but also stated that the existing protective order was quashed and that if the parties wanted a
10 new order they would be required to come back to court and file a new request. Just below
11 that in a hand written section there was language stating the protective order was to remain in
12 effect for six months.

13 This stipulation was introduced by the prosecution in our matter. The defense presented
14 evidence throughout the trial that at the very least the order was ambiguous. In fact, even the
15 responding officer, Officer Gonzalez, testified that he had not previously seen the stipulation
16 but if he had seen it that day he would have had some doubt as to whether there was a valid
17 protective order.

18 This ambiguity becomes relevant because time and again our courts have found "Any
19 ambiguity in a decree or order must be resolved in favor of an alleged contemnor." In re Blaze
20 (1969) 271 Cal. App 22d 210, 212. See also *Koshak v. Malek* (2011) 200 Cal.App. 4th 1540.
21 There are numerous cases with the same proposition. Due process demands that in order for a
22 protective order to valid the terms of the order must be clear enough for the party to
23 understand.

24 In the matter before the court there is not just the ambiguity of the stipulation but a
25 separate hearing that took place just days before the incident here, wherein a bench officer
26 advised Ms. Gallian that "it all stops today." A partial transcript of that proceeding was
27 introduced as defense exhibit #B. The prosecution was quick to point out that the transcript
28 goes on to state that the parties were not sure if they could file the documents necessary to

1 quash the protective order that day. However, at the very least this statement by the court adds
2 fuel to the fire that there were questions about whether the order was still in effect.

3
4
5
6 **MOTION TO SET ASIDE VERDICTS AS TO COUNT 1 AND 2**

7
8 **CONCLUSION**

9 Jamie Gallian respectfully requests that this Court grant his motion for a new trial and to
10 set aside verdicts.

11
12 Dated:

Respectfully Submitted,
FRANK DAVIS
Orange County Alternate Defender

13
14
15 Receipt of the above motion
16 Is hereby acknowledged:
17 TODD SPITZER
18 By:
19 Dated:

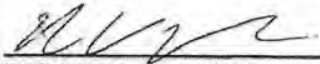
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22 
23 RICARDO VALLEJO
24 Deputy Alternate Defender
25
26
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28

EXHIBIT 6

1. 18WM05278 Amended Probation Report 12-12-2019
2. 12-12-2019 Reporter's Transcript of Sentencing Hearing.

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF ORANGE
WEST JUSTICE CENTER
8141 13th Street, Westminster, CA 92683.

AMENDED PROBATION ORDER

Defendant Name: **Gallian, Jamie Lynn** Case No: **18WM05278**
Address: 16222 MONTEREY Lane 376, Date Sentenced: 12/12/19
Huntington Beach, CA 92649 USA.
AKAs: Barclay, Jamie Lynn ; Gallian, Jamie Lynn ; Gallian-Pierpoint,
Jamie ; Peters, Jamie Lynn
DOB: 11/16/1962 Sex: F Hair: Brown Height: 5' 8"
DLN: V8040742 CA Eyes: Blue Weight: 120
Violation Date: 03/27/18 BAC:
Prosecuting Atty: Gully, Gerard BKG #:
Issuing Agency: Orange County District Attorney DR #: 18-004287

Date of Order: 12/12/19 Judicial Officer: McConville, Thomas S. Dept: W17

Charging Doc: Original Complaint

CNT OL CHARGE

1 M 166(a)(4) PC

CNT OL CHARGE

2 M 166(a)(4) PC

Notice of motion and motion for new trial; motion to set aside verdict; points and authorities in support thereof filed.

Oral motion by Defense to stay sentencing due to appeal

Victim Impact Statement filed.

Oral motion by Defense if defendant can serve Community Service in lieu of Caltrans

Defendant waives statutory time for Sentencing .

No legal cause why judgment should not be pronounced and defendant having Found Guilty by Jury to count(s) 1,2 , Imposition of sentence is suspended and defendant is placed on 3 Year(s) INFORMAL PROBATION on the following terms and conditions:

Violate no law.

Obey all orders, rules, and regulations, and directives of the Court and Jail .

Submit your person and property including any residence, premises, container, or vehicle under your control, including electronic devices , to search and seizure at any time of the day or night by any law enforcement officer, probation officer, or mandatory supervision officer with or without a warrant, probable cause or reasonable suspicion.

Do not own, purchase, receive, possess, or have under your custody or control any type of dangerous or deadly weapon, firearm, ammunition, and ammunition feeding devices, including but not limited to magazines

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF ORANGE
WEST JUSTICE CENTER
8141 13th Street, Westminster, CA 92683.

AMENDED PROBATION ORDER

Defendant Name: **Gallian, Jamie Lynn** Case No: **18WM05278**

Hearing re: Firearms Relinquishment set on 12/26/2019 at 08:30 AM in
Department W3 .

Use true name and date of birth only at all times.

Disclose terms and conditions of probation when asked by any law enforcement or
probation officer.

Pay mandatory state restitution fine of \$150.00 pursuant to Penal Code 1202.4 or
Penal Code 1202.4(b).

Pay \$40.00 Court Operations Fee per convicted count pursuant to Penal Code
1465.8.

Pay Criminal Conviction Assessment Fee per convicted count of \$30.00 per
misdemeanor/felony and \$35.00 per infraction pursuant to Government Code
70373(a)(1).

Defendant ordered to report to the West Collections Department forthwith.
Defendant ordered to cooperate with and pay as directed by the Collections
Department.

Serve 30 Day(s) Orange County Jail as to count(s) 1,2 .

Credit for time served: 1 actual, 1 conduct, totaling 2 days pursuant to Day-for-day

30 days Jail as to count(s) 1,2 imposed on 12/12/2019 stayed until 12/16/2019 at
07:00 PM Orange County Jail . Defendant to report as ordered.

Oral motion by Defense for home monitoring

Pay restitution in the amount as determined by Victim Witness as to count(s) 1,2
plus 10% interest from date of loss per year and administrative fees.

Defendant ordered to report to Victim Witness office forthwith .

Complete and return Statement of Assets form as to count(s) 1,2 to court by
12/12/2019 .

Do not have any contact with the victim(s) directly, indirectly, or through a third
party except an attorney of record.

No contact with Janine Jasso and Arielle Jasso, victims.

Stay 100 yards away from 16025 Warmington Lane, Huntington Beach, CA

Court grants booking fees paid to Orange County Sheriff Department \$235.00 .

Request for Booking Fees filed.

Defendant accepts terms and conditions of probation.

Defendant ordered to report to Collections Department, Victim Witness Office
forthwith .

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF ORANGE
WEST JUSTICE CENTER
8141 13th Street, Westminster, CA 92683.

AMENDED PROBATION ORDER

Defendant Name: **Gallian, Jamie Lynn** Case No: **18WM05278**

Original Copy of Prohibited Persons Relinquishment Form forwarded to Probation Department

Defendant not present in Court represented by Rick Vallejo , Alternate Defender .

Oral motion by Defense to change jail stay date back to 1/31/20. Motion granted

Probation on count(s) 1,2 modified as follows:

30 days Jail as to count(s) 1,2 further stayed to 01/31/2020 at 07:00 PM . This modifies the commitment dated 12/16/2019 . Defendant to report to Orange County Jail as ordered.

All other terms and conditions of probation are to remain the same.

Notice to Sheriff issued.

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1 WESTMINSTER, CALIFORNIA - THURSDAY, 12 DECEMBER 2019

2 MORNING SESSION

3 (PROCEEDINGS IN OPEN COURT)

4 (Call to order at 8:39 a.m.)

5 THE COURT: -- everyone.

6 MR. GULLY: Good morning, Your Honor.

7 THE COURT: We're here on the record in the
8 case of People v. Jamie Gallian, Case 18WM05278.
9 Appearances, please.

10 MR. GULLY: Gerard Gully for the People.

11 MR. VALLEJO: Rick Vallejo, Deputy Alternate
12 Defender, with Ms. Gallian. She's present, Your Honor.

13 THE COURT: Okay. We're here for purposes of
14 sentencing in this matter. Any reason why we can't
15 proceed today with sentencing?

16 MR. GULLY: None from the People.

17 MR. VALLEJO: Only the -- I did file a new
18 trial motion with the court, Your Honor.

19 THE COURT: Yes. So the new trial motion, I
20 have received it, I have reviewed it, and it's similar
21 to a motion you made during the course of our trial is
22 my recollection. Although you raise interesting issues,
23 I'm not persuaded, and the Court will deny
24 (indiscernible).

25 Okay.

26 MR. VALLEJO: With that then, Your Honor, we



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1 are ready to proceed. I did speak to Ms. Gallian this
2 morning.

3 THE COURT: Yes.

4 MR. VALLEJO: It was our request that the
5 Court, if the Court wanted to proceed with sentencing
6 today, the Court sentence and then stay the sentence
7 pending her appeal in the matter. I do have a notice of
8 appeal that I was intending to file.

9 THE COURT: Okay. Well, we'll -- if we -- if
10 we get there, we'll get there, but I (indiscernible)
11 we'll have to -- once a notice of appeal is filed I have
12 different obligations, so we'll take that up at the time
13 (indiscernible) after sentencing.

14 Okay. So, Mr. Gully, are any victims present
15 who wish to be heard?

16 MR. GULLY: Yes, Your Honor. Ms. Jasso is
17 present and has submitted a written victim impact
18 statement. I -- is the Court in receipt of that?

19 THE COURT: Yes, I am.

20 MR. GULLY: Okay. And Ms. Jasso, I believe,
21 would like to speak as well on the record.

22 THE COURT: Yes.

23 MR. GULLY: Is that correct?

24 UNIDENTIFIED SPEAKER: No.

25 MR. GULLY: Okay, that's fine. Then we have
26 the written victim impact statement. She doesn't appear



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1 to wish to speak right now.

2 THE COURT: Okay.

3 So let's start with you, Mr. Vallejo, please.

4 MR. VALLEJO: We're prepared to submit, Your
5 Honor, at this point as well. The one -- I guess the
6 one thing that we would note for the record is that I
7 did notice in the People's sentencing brief there was a
8 request for Caltrans work.

9 Ms. Gallian actually is on disability at the
10 moment. She was injured, as the Court may or may not
11 know, in an incident with the alleged victim's husband,
12 wherein he committed a battery upon her.

13 At this point she's been on disability for
14 several months. Hasn't been able to work during that
15 time period. So a Caltrans at this point, I don't
16 believe physically is something that she can possibly
17 do.

18 I will let the Court know that Ms. Gallian has
19 on her own gone out and found a senior center where she
20 can volunteer, if the Court is so inclined to grant her
21 community service, that would be the request to convert
22 that Caltrans to community service work and see if she
23 can perform the -- that work as community service.

24 THE COURT: So I'm at loss, I don't have a
25 sentencing brief on behalf of the People.

26 MR. GULLY: I apologize, Your Honor. I have



1 one filed November 2nd, I'd like to -- permission to
2 approach?

3 THE COURT: Yes.

4 MR. GULLY: Your Honor, may I respond to that
5 last comment there, to correct something?

6 THE COURT: Yes.

7 MR. GULLY: Your Honor, as a member of the
8 office who's filed the case involving Ms. Gallian as a
9 victim, I can rely the facts to the Court as -- the
10 alleged facts are that Ms. Jasso's husband slapped a
11 phone out of Ms. Gallian's hands. There is no possible
12 way that has caused any sort of injury on Ms. Gallian.

13 And while I am not handling that case, due to
14 my handling of this case, I am aware of its facts, so
15 I'm not sure what possible injury Ms. Gallian could be
16 alleging when the conduct is a phone was slapped out of
17 her hand.

18 THE COURT: Okay. (Indiscernible)

19 MR. VALLEJO: She has medical reports as well,
20 Your Honor, if the Court would like to see them.

21 (Pause)

22 THE COURT: Okay. All right.

23 Ms. Gallian, do you have any -- I have to hear
24 it directly from you. You consulted counsel,
25 (indiscernible) decided you wanted to speak directly to
26 me, but I want to afford you the opportunity, speaking

1 directly. But again, you talked to counsel before you
2 decided whether or not you wanted to talk to me
3 directly?

4 (Defense counsel and Defendant confer)

5 MR. VALLEJO: Oh, she does have a friend and
6 roommate who would like to speak on her behalf as
7 well --

8 THE COURT: Yes.

9 MR. VALLEJO: -- if the Court's willing to hear
10 it?

11 THE COURT: Sure, absolutely.

12 MR. VALLEJO: Sir.

13 THE COURT: All right, sir. Could you
14 introduce yourself, please.

15 MR. MCLELLAND: Robert McLelland.

16 THE COURT: Mr. McCullough (sic).

17 MR. MCLELLAND: McLelland.

18 THE COURT: McLelland. So, Mr. McLelland,
19 we're here for the sentencing of Ms. Gallian. Anything
20 you have that would -- could you spell your last name,
21 please?

22 MR. MCLELLAND: M-C-L-E-L-L-A-N-D.

23 THE COURT: All right. Mr. McLelland, anything
24 that you have that you'd like to advise the Court that
25 would help me in my decision as to what sentence to
26 impose?

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1 MR. MCLELLAND: I've known Ms. Gallian for
2 approximately three years and she's always been an
3 upstanding individual from my observations. And I would
4 ask the Court that -- not to impose any jail time, as I
5 think that's a little above and beyond what she deserves
6 if that's okay with the Court.

7 THE COURT: Okay.

8 MR. MCLELLAND: (Indiscernible) As soon as I've
9 known her she's had outstanding character and maintained
10 her job until she went on disability. She was a good
11 employee for the airlines and that's it, I think.

12 THE COURT: Okay. All right. And I appreciate
13 you being here today.

14 MR. MCLELLAND: Oh, thank you.

15 MR. VALLEJO: I think Ms. Gallian has a
16 statement for the Court's --

17 THE COURT: All right. Ms. Gallian, please.

18 You don't have to (indiscernible) I appreciate
19 (indiscernible) formalities (indiscernible) but
20 (indiscernible)

21 THE DEFENDANT: And I've been -- I'm 57 years
22 old. I'm the mother of a -- single mother since my
23 youngest son was 5 years old, my oldest is now 38. I
24 have three college-educated children. I have lived in
25 the community my entire life. I have been a public -- I
26 have worked in the public sector my entire life.



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1 I started out at 15 years old as a grocery
2 store box person and after that had children and owned
3 my businesses here in Orange County and when my parents
4 died I went to flight school and I've been a flight
5 attendant for over 20 years.

6 I have a perfect record. I do not have one
7 customer complaint in my job as a flight attendant. I
8 travel all over the world. I have un -- I have
9 unescorted access to every single airport in the world.

10 And I would like to truly apologize to the
11 Court for this incident.

12 And I would like to apologize to Ms. Jasso and
13 her family. It's a horrible time when you are -- have a
14 person that is -- that is ill. I know what it's like to
15 be -- to watch people that you believe were victimized.

16 I have -- my job is my life. I value it. It's
17 my source of income. And I have never had, except for a
18 parking ticket in 2014, I have an extremely clear
19 record, and I am proud of that.

20 I live in a senior community, 55 and over, not
21 because I -- they're my family. I lost my parents when
22 I was 32 years old, within 6 months of each other. One
23 died of sepsis in the emergency room; the other died in
24 a car accident.

25 I would ask the Court to consider that I accept
26 full responsibility for what I did. And I would ask



1 them to -- you to spare me. I do not want to lose my
2 job, a 20-year career, that I have had, and most
3 importantly, I'm ashamed, because I had to tell my
4 children yesterday that their mom might not come home,
5 and I was horrified and scared.

6 THE COURT: Anything further, seems like you're
7 pausing to gather yourself. (Indiscernible) Just want
8 to confirm that you're (indiscernible).

9 THE DEFENDANT: I had -- I got a call yesterday
10 from United Airlines. I haven't spoken to Mr. Vallejo
11 since we were at the -- the jury trial verdict that was
12 read. Mr. Vallejo was unaware that I asked my doctor to
13 return me to flying status. I did my 18-year -- 18-
14 hours of getting qualified and since 9/11, the last time
15 I had fingerprinting was in 2002.

16 And my fingerprints were sent to United a few
17 days ago to assign my badge to me again. They are
18 waiting to see whether they need to terminate me today.
19 And I would beg the Court, because my -- they pulled my
20 fingerprints through the FBI and because of the August
21 7th incident where I was put in jail for 12 hours.

22 If there was anything that you could do to --
23 so I could still have my job and be able to make my
24 house payments and rent I would be thank -- very
25 thankful, and you will never, ever see me in this
26 courthouse again. Thank you.



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1 THE COURT: Mr. Vallejo, anything else from
2 you?

3 MR. VALLEJO: I mean, Your Honor, I don't think
4 I could say anything that to -- you know, to top what
5 Ms. Gallian has just said. I would just note for the
6 record that she's right, she's never been in trouble
7 before until these incidents that, you know, were
8 spawned by this homeowners dispute, you know, and
9 however it started, this is the point that we're at now.

10 I do note that she has raised three children,
11 who likewise have never been in trouble with the law.
12 She's lived her entire life without contact with law
13 enforcement until, you know, a couple of years ago, when
14 these incidents began.

15 And I would just note for the Court that it was
16 not -- these incidents are not one-sided, I think on
17 both sides there is, there was animosity in this
18 homeowners association and Ms. Gallian was subjected to
19 some of that animosity.

20 She's never had any issues at her employment
21 and I know that it means, aside from her kids, I know
22 that that job means the world to her. And the Court
23 remembers she showed up to trial in her uniform for a
24 few days of our trial. So I know that that is her
25 identity.

26 And likewise I'd submit on the mercy of the

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1 Court and ask if there's anything the Court would be
2 willing or able to do to assist her at this point, we
3 would ask for that, and I will submit to you.

4 THE COURT: Yes.

5 Mr. Gully?

6 MR. GULLY: Yes, Your Honor. I've been advised
7 that there are members of the community who may wish to
8 make statements. Will the Court be willing to hear
9 presumably brief statements from a member of the
10 community?

11 THE COURT: Yes.

12 All right. Please tell me who you are.

13 MS. BOYLE: Yes. My name is Debbie Boyle.

14 THE COURT: Spell the last name, please.

15 MS. BOYLE: B-O-Y-L-E.

16 THE COURT: Okay.

17 MS. BOYLE: I am a member of the Gables
18 community. I am a, excuse me, Master's prepared
19 (indiscernible) specialist, who also has had a elder
20 abuse restraining order against Ms. Gallian, when she
21 came to my home and threatened me.

22 I have witnessed her stalking the entire Jasso
23 family for nearly two years, relentlessly. And the
24 psychological abuse that she has imposed on this family
25 is formidable. In particular of the child, Arielle,
26 who at times spends time at my home.

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1 She is unable to go to school by herself. Ms.
2 Gallian has friends waiting at the school that require
3 the teacher to come out and escort this seven-year-old
4 child into her class. When she talks to me, she
5 addresses her days as if this is a day mom has to go to
6 court. Her whole world has been turned upside down
7 because of the psychological abuse that Ms. Gallian has
8 imposed on this child, relentlessly.

9 She has changed the entire complexion of our
10 community because of her abuse of this family.

11 I myself in the past have been a psychiatric
12 nurse and what I see in Ms. Gallian's behavior, to me is
13 testimony to significant pathology. She -- people have
14 tried to talk to her and have her stop this behavior,
15 which has not occurred.

16 She has imposed a threat to not only the Jasso
17 family, but to the entire Gables community.

18 I ask that you think about the psychological
19 distress long-term on not only the entire family, but
20 particularly on this child, who is an innocent part of
21 Ms. Gallian's pathology.

22 Thank you, Your Honor.

23 THE COURT: Thank you, Ms. Boyle.

24 Anything else?

25 MR. GULLY: Anyone else? There does not appear
26 to be.

1 THE COURT: All right. Mr. Gully, do you want
2 to be heard?

3 MR. GULLY: Yes, Your Honor.

4 The People can vouch for the continued course
5 of conduct as noted in the sentencing brief. The People
6 are aware of no fewer than 22 other instances of this
7 sort of conduct that's been provided over to Defense in
8 discovery.

9 Additionally, during the pendency of this case,
10 the Court itself has found Ms. Gallian in violation of
11 the stay-away order that it made, terms of
12 (indiscernible) five times (indiscernible), once in
13 front of Judge (indiscernible), three times with Judge
14 Haskins, and once with yourself, Your Honor.

15 This is a repeated course of conduct. This
16 isn't just one bad day. This is a systemic effort by
17 Ms. Gallian to harass this family and we believe that is
18 a factor in aggravation.

19 Several of the instances the Court found Ms.
20 Gallian in violation of her terms of bail, but chose not
21 to impose punishment. And Ms. -- Judge Haskins did
22 impose bail and take her into custody for the 12 hours
23 referenced.

24 But other than that this repeated course of
25 conduct doesn't seem to have been met with any
26 consequences for Ms. Gallian yet and this is the time of

1 any -- if any, to impose consequence on Ms. Gallian. We
2 believe the People's sentencing recommendation is fair
3 and that the Defendant should have some sort of
4 consequence for her actions.

5 THE COURT: Okay.

6 So it is -- I've heard and read and considered
7 everything and I believe what's important to note is
8 that the factors that I will be considering in imposing
9 the sentence are several, but among them are the need to
10 protect society, the need to punish Ms. Gallian, and the
11 need to encourage her to lead a law abiding life in the
12 future.

13 Part of the things I will consider in imposing
14 the sentence is Ms. Gallian's performance while on
15 pretrial release and the repeated violations of court
16 orders that Ms. Gallian engaged in while on pretrial
17 release.

18 So with that in mind, I hear and understand the
19 reference related to Caltrans and several
20 (indiscernible) 30 days Orange County Jail. We'll
21 figure out what the report date (indiscernible)

22 I'm going to impose 30 days Orange County Jail.
23 All right.

24 So that will be my ultimate sentence so I'm
25 going to go through the imposition of sentence now so
26 counsel can advise of any terms. All right.

SENTENCING

So the Court will -- is imposing sentence on Count I and II. Count II stayed pursuant to Penal Code § 654.

MR. GULLY: I don't believe so, Your Honor, because it's a separate victim. 654 doesn't apply when it's one crime against two victims.

THE COURT: Okay. You -- so we'll impose the following sentence on Counts I and II. You're to serve three years of informal probation on Counts I and II. You violate no laws. Obey all orders and rules of the Court, probation department, and jail.

You're to submit your person and property and any residence, premises, container, or vehicle under your control including electronic devices to search and seizure at any time of day or night by any law enforcement officer, probation officer, or mandatory supervision officer with or without a warrant, probable cause or reasonable suspicion.

Any other terms you would like the Court to consider, Mr. Gully?

MR. GULLY: The prohibition on owning a weapon for the duration of probation seems appropriate.

THE COURT: You're to not own, purchase, receive, possess or have in your custody or control any type of dangerous or deadly weapon, firearm, ammunition,



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1 ammunition feeding devices, including but not limited to
2 magazines for the duration of probation.

3 You're to -- we're going to set a
4 relinquishment hearing for when?

5 THE CLERK: (Indiscernible)

6 THE COURT: (Indiscernible)

7 THE CLERK: I don't have firearms
8 (indiscernible)

9 THE COURT: Well, I'm imposing one now so we
10 need to set a hearing.

11 THE CLERK: Oh, you want -- okay.

12 THE COURT: Yes.

13 THE CLERK: So then that would be December
14 26th.

15 THE COURT: December 26th, is that what you
16 said?

17 THE CLERK: Yes.

18 THE COURT: Is that -- are we open on that day?

19 THE CLERK: (Indiscernible)

20 THE COURT: All right. So December 26th --

21 THE CLERK: Yes, we are.

22 THE COURT: -- will be the date of the hearing
23 on whether or not you have released your firearms.

24 Counsel will help get a form in advance, and then

25 assuming that form comes back, basically someone does a

26 background check on you and they confirm that you don't



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1 have a firearm, then we'll take that off the calendar.
2 Okay.

3 You're to use your true name and date of birth
4 at all times, and you're to disclose your terms upon
5 request of a probation or law enforcement officer.

6 You're to pay \$150 per count on the State
7 restitution fine, \$150 for a probation revocation
8 restitution fine, but that restitution fine is stayed
9 and will be effective if your probation is ever revoked.

10 You're to pay a \$30 criminal conviction
11 assessment fee per count, \$40 court operation fee per
12 count, and you're to pay the booking fees requested by
13 the sheriff's department in an amount of \$235.

14 These fines and fees will be paid through
15 collections so you're to report to collections at the
16 conclusion (indiscernible).

17 (Indiscernible) set a terminal date
18 (indiscernible) fines have been paid or just say --

19 THE CLERK: No, (indiscernible)

20 THE COURT: Okay.

21 You're to serve 30 days in Orange County Jail
22 on Counts I and II, with credit for -- what do we have,
23 1 day?

24 MR. VALLEJO: One day.

25 MR. GULLY: One.

26 THE COURT: One day actual, one day good time,

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1 for credit of two days. Jail will be stayed until --

2 MR. VALLEJO: Your Honor, will the Court give
3 her till January 31st --

4 THE COURT: Yes.

5 MR. VALLEJO: -- so that she can wrap up loose
6 ends? Thank you.

7 THE COURT: Yes, to January 31st 2020, at what
8 time, 5:00 p.m. -- 4:00 p.m.?

9 MR. VALLEJO: I think it's 7:00.

10 THE CLERK: 7:00 p.m., Your Honor.

11 THE COURT: 7:00 p.m.

12 THE CLERK: Yes.

13 THE COURT: Then you report to the Orange
14 County Jail I take it; is that correct?

15 MR. VALLEJO: It's the IRC for women, Your
16 Honor. Yes.

17 THE COURT: IRC, yes, Orange County Jail Intake
18 and Release Center.

19 THE DEFENDANT: Your Honor, may I have home
20 monitoring?

21 THE COURT: No.

22 Is there any restitution, Mr. Gully?

23 MR. GULLY: Your Honor, I believe we can do it
24 to be determined by victim witness if there is any.

25 THE COURT: All right. If there is any
26 restitution, it will be determined by victim witness and



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1 you'll pay that amount if determined with a rate at ten
2 percent from the date of loss.

3 And you're to submit a new financial disclosure
4 form if money is still owing on the restitution order or
5 fine 120 days before the scheduled release from
6 probation. You're to file the form with the Court at
7 least 90 days before the scheduled release from
8 probation.

9 You're to have no contact with Janine Jasso and
10 Arielle Jasso, and is there a hundred yards, and you're
11 to stay a hundred yards away from 16025 Warmington Lane
12 in Huntington Beach, California.

13 All right. Any other terms, Mr. Gully, that
14 you'd like the Court to consider?

15 MR. GULLY: I believe those are all the terms
16 we requested.

17 THE COURT: Okay.

18 MR. GULLY: Yes, Your Honor.

19 THE COURT: And you're to report forthwith to
20 collections, victim witness.

21 Anywhere else?

22 MR. GULLY: Collections, victim witness, and I
23 believe the probation department to schedule a turn-in
24 date or to work that out.

25 THE COURT: Already scheduled a report date.

26 MR. GULLY: Then I think -- I believe those



1 would be the only locations.

2 THE COURT: Okay. So that's the sentence that
3 I'm imposing. All right. So the protect -- there is a
4 protective order in place, Mr. Gully, yes?

5 MR. GULLY: There was a 136.2 protective order
6 for the pendency of the case, that will terminate as an
7 operation of law now, and I don't believe -- we cannot
8 legally request a new one --

9 THE COURT: All right. So --

10 MR. GULLY: -- (indiscernible).

11 THE COURT: -- it goes away, and I've issued
12 the terms that I believe are applicable in terms of the
13 probationary period. Okay.

14 So, Ms. Gallian, that's my sentence. I'm now
15 going to advise you of your appellate rights. You have
16 the absolute right to appeal from the judgment and
17 sentence that I've imposed. That means if you wish to
18 file an appeal, you have to file a notice of appeal
19 within 30 days of this date.

20 An appeal is not filed within 30 day -- if your
21 notice is not filed within 30 days of today, you would
22 forfeit your right to file an appeal.

23 Must be in writing and signed by your attorney,
24 filed in the trial court. You must specify what you're
25 appealing from and whether it's the whole judgment or
26 part of the judgment. If you appeal and do not have the



1 financial ability to retain the services of an attorney
2 to represent you on appeal, the appellate authorities
3 will appoint counsel to represent you.

4 Okay. So do we have to do anything as it
5 relates to the notice of appeal issue on file, or that
6 you're going to file?

7 MR. VALLEJO: I'll take care of that part, Your
8 Honor.

9 THE COURT: Okay. (Indiscernible) the court
10 gave her sufficient time, I think that'll give you an
11 opportunity to file that. All right. Anything else for
12 either side?

13 MR. GULLY: No, Your Honor.

14 MR. VALLEJO: No, Your Honor, other than the
15 Prop (sic) 63 form, I think the gun form, I think --

16 THE COURT: You have to fill that form out.
17 Yes.

18 MR. VALLEJO: Yeah.

19 THE COURT: All right. Ms. Gallian, I hope we
20 don't see you again, that's my hope. All right. Good
21 luck to you.

22 THE CLERK: (Indiscernible) bond.

23 THE COURT: Pardon me.

24 THE CLERK: (Indiscernible) bond
25 (indiscernible)

26 THE COURT: I think the bond is going to remain



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1 in effect until she reports.

2 THE CLERK: (Indiscernible)

3 THE COURT: (Indiscernible) bond's going to
4 remain in effect until she reports.

5 THE CLERK: Okay.

6 THE COURT: Because if she files a notice of
7 appeal you're going to (indiscernible) bond for appeal
8 anyway.

9 MR. VALLEJO: That's true, yeah. Okay.

10 THE COURT: So we're going to leave that in
11 effect.

12 MR. VALLEJO: Okay. Thank, Your Honor.

13 THE COURT: Thank you.

14 (Proceedings concluded at 9:07 a.m.)
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CERTIFICATION

I, Debbie Shea, a court-approved proofreader, do hereby certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above entitled matter, to the best of my professional skills and abilities.

TRANSCRIPTIONISTS: Susan L. Cohen; Brian Shea;
Nicole Ferguson; Joseph
Burststein; Nicole Horton-Ellis;
Candice Hobbs

Debbie Shea

Debbie Shea
Proofreader

February 24, 2020



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EXHIBIT 7

1. 18WM05278 Minutes 4/25/2018-6/1/2022

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

06/21/2022 13:41:26 PM

Date of Action	Text
04/25/2018	Original Complaint filed on 04/25/2018 by Orange County District Attorney.
04/25/2018	Name filed: Gallian, Jamie Lynn
04/25/2018	MISDEMEANOR charge of 166(a)(4) PC filed as count 1. Date of violation: 03/27/2018.
04/25/2018	MISDEMEANOR charge of 166(a)(4) PC filed as count 2. Date of violation: 03/27/2018.
04/25/2018	At the request of People, case calendared on 06/25/2018 at 08:30 AM in W4 for ARGN.
04/25/2018	Accusatory pleading filed by the prosecutor pursuant to Penal Code section 959.1.
04/25/2018	Arraignment Letter filed.
06/25/2018	Hearing held on 06/25/2018 at 08:30:00 AM in Department W4 for Arraignment.
06/25/2018	Judicial Officer: Jeremy D. Dolnick, Judge
06/25/2018	Clerk: M. Ruvalcaba-Lee
06/25/2018	Bailiff: D. J. DeLeon, SSO
06/25/2018	Proceedings recorded electronically.
06/25/2018	People represented by Alexander Shaaban, Deputy District Attorney, present.
06/25/2018	Defendant not present in Court represented by Michael Sean Devereux, Retained Attorney.
06/25/2018	Defendant's appearance is waived pursuant to Penal Code 977(a).
06/25/2018	Copy of Original Complaint given to defense counsel.
06/25/2018	Request for Continuance - Misdemeanor filed.
06/25/2018	Arraignment continued to 07/26/2018 at 08:30 AM in Department W4 at request of Defense.
06/25/2018	Defendant waives the right to be arraigned today.
06/25/2018	Defendant waives statutory time for Arraignment.
06/25/2018	Motion by People requesting bail.
06/25/2018	Motion argued.
06/25/2018	Motion denied.
06/25/2018	Court orders defendant be released on own recognizance on condition(s): No further violation of protective order.
06/25/2018	Minutes entered by N. Herrera on 06/25/2018.
07/25/2018	Calendar Line for ARGN transferred from W4 on 07/26/2018 at 08:30 AM to W12 on 07/26/2018 at 08:30 AM.
07/26/2018	Hearing held on 07/26/2018 at 08:30:00 AM in Department W12 for Arraignment.
07/26/2018	Judicial Officer: Derek G. Johnson, Judge
07/26/2018	Clerk: M. Saam
07/26/2018	Bailiff: C. Soto
07/26/2018	People represented by Bonnie Nicole Micheil, Deputy District Attorney, present.
07/26/2018	Defendant not present in Court represented by Michael Sean Devereux, Retained Attorney.
07/26/2018	Request for Continuance - Misdemeanor filed.
07/26/2018	Arraignment continued to 08/23/2018 at 08:30 AM in Department W4 at request of Defense.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

06/21/2022 13:41:26 PM

Date of Action	Text
07/26/2018	Defendant waives statutory time for Arraignment.
07/26/2018	Court orders defendant is to remain released on own recognizance on condition(s): No further violation of protective order.
07/26/2018	Minutes entered by L. Y. Lee on 07/26/2018.
08/23/2018	Hearing held on 08/23/2018 at 08:30:00 AM in Department W4 for Arraignment.
08/23/2018	Judicial Officer: Jeremy D. Dolnick, Judge
08/23/2018	Clerk: M. Ruvalcaba-Lee
08/23/2018	Bailiff: D. J. DeLeon, SSO
08/23/2018	Proceedings recorded electronically.
08/23/2018	People represented by Michael Briante, Deputy District Attorney, present.
08/23/2018	Defendant not present in Court represented by Michael Sean Devereux, Retained Attorney.
08/23/2018	Defendant's appearance is waived pursuant to Penal Code 977(a).
08/23/2018	Counsel acknowledges receipt of the charging document.
08/23/2018	Defendant waives reading and advisement of the Original Complaint.
08/23/2018	Request for Continuance - Misdemeanor filed.
08/23/2018	To the Original Complaint defendant pleads NOT GUILTY to all counts.
08/23/2018	Pre Trial set on 09/27/2018 at 08:30 AM in Department W18.
08/23/2018	Defendant enters general time waiver.
08/23/2018	Defendant ordered to return.
08/23/2018	Court orders defendant is to remain released on own recognizance on condition(s): No further violation of protective order.
08/23/2018	Minutes entered by E. Magana on 08/23/2018.
09/27/2018	Hearing held on 09/27/2018 at 08:30:00 AM in Department W18 for Pre Trial.
09/27/2018	Judicial Officer: Terri K Flynn-Peister, Judge
09/27/2018	Clerk: R. Nagle
09/27/2018	Bailiff: J. Palacios
09/27/2018	Proceedings recorded electronically.
09/27/2018	People represented by Dalia M. Wahab, Deputy District Attorney, present.
09/27/2018	Defendant not present in Court represented by Michael Sean Devereux, Retained Attorney.
09/27/2018	Defendant's appearance is waived pursuant to Penal Code 977(a).
09/27/2018	Victim present in court.
09/27/2018	Request for Continuance - Misdemeanor filed.
09/27/2018	Defendant enters general time waiver.
09/27/2018	Pre Trial continued to 10/31/2018 at 08:30 AM in Department W18 at request of Defense.
09/27/2018	Court orders defendant is to remain released on own recognizance on condition(s): No further violation of protective order.
10/31/2018	Hearing held on 10/31/2018 at 08:30:00 AM in Department W18 for Pre Trial.
10/31/2018	Judicial Officer: Terri K Flynn-Peister, Judge
10/31/2018	Clerk: R. Nagle

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

06/21/2022 13:41:26 PM

Date of Action	Text
10/31/2018	Bailiff: J. Palacios
10/31/2018	Proceedings recorded electronically.
10/31/2018	People represented by Jeremy Hudson, Deputy District Attorney, present.
10/31/2018	Defendant not present in Court represented by Michael Sean Devereux, Retained Attorney.
10/31/2018	Defendant's appearance is waived pursuant to Penal Code 977(a).
10/31/2018	Original Complaint amended by interlineation to read to vacate the words domestic violence from the complaint.
10/31/2018	Request for Continuance - Misdemeanor filed.
10/31/2018	Defendant enters general time waiver.
10/31/2018	Pre Trial continued to 12/13/2018 at 08:30 AM in Department W18 at request of Defense.
10/31/2018	Court orders defendant is to remain released on own recognizance on condition(s): No further violations of protective order.
12/13/2018	Hearing held on 12/13/2018 at 08:30:00 AM in Department W18 for Pre Trial.
12/13/2018	Judicial Officer: Kevin Haskins, Judge
12/13/2018	Clerk: D. Phillips
12/13/2018	Bailiff: R. Garcia
12/13/2018	Proceedings recorded electronically.
12/13/2018	People represented by Dustin Chupurdy, Deputy District Attorney, present.
12/13/2018	Defendant present in Court without counsel.
12/13/2018	All parties orally notified of the Court's disqualification disclosure pursuant to Canon 3E(2) of the California Code of Judicial Ethics.
12/13/2018	Defendant states she received an email from her attorney saying he quit.
12/13/2018	Defendant is informed that an email to her is not the process for any attorney to take if they want to withdraw from a case.
12/13/2018	Defendant requests to represent herself.
12/13/2018	Defendant advised of the following:
12/13/2018	- The perils, pitfalls, dangers, and disadvantages of self-representation.
12/13/2018	- The options she has regarding representation.
12/13/2018	- The right to a trial by Court or Jury.
12/13/2018	Defendant agrees to continue the matter with notification being given to her counsel. Court will address her representation at then next hearing.
12/13/2018	Pre Trial continued to 01/14/2019 at 08:30 AM in Department W18 at request of Defense.
12/13/2018	Defendant enters general time waiver.
12/13/2018	Court orders defense counsel to be present on 1/14/2019.
12/13/2018	Copy of Minute Order mailed to defense counsel, Michael Sean Devereux.
12/13/2018	Court orders defendant is to remain released on own recognizance on condition(s): No further violation of protective order.
12/13/2018	Minutes of 12/13/2018 entered on 12/14/2018.
01/14/2019	Hearing held on 01/14/2019 at 08:30:00 AM in Department W18 for Pre Trial.
01/14/2019	Judicial Officer: Terri K Flynn-Peister, Judge

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

06/21/2022 13:41:26 PM

Date of Action	Text
01/14/2019	Clerk: R. Nagle
01/14/2019	Bailiff: J. Palacios
01/14/2019	Proceedings recorded electronically.
01/14/2019	People represented by Alexander J. Brown, Deputy District Attorney, present.
01/14/2019	Defendant not present in Court represented by Michael Sean Devereux, Retained Attorney.
01/14/2019	Ex-Parte Application to be Relieved filed.
01/14/2019	Motion granted.
01/14/2019	Michael Sean Devereux relieved as Counsel of Record.
01/14/2019	Bench warrant ordered issued and held for the defendant to 01/28/2019, for Pre Trial re: Warrant Hold at 08:30 AM in Department W18. Bail set at \$20, 000.00, Mandatory Appearance.
01/14/2019	Clerk's office to notify defendant at the address listed in the proof of service.
01/14/2019	Case Processing directed to send notice by letter.
01/16/2019	Notice of Hearing mailed to Defendant.
01/28/2019	Hearing held on 01/28/2019 at 08:30:00 AM in Department W18 for Pre Trial Warrant Hold.
01/28/2019	Judicial Officer: Terri K Flynn-Peister, Judge
01/28/2019	Clerk: R. Stamm
01/28/2019	Bailiff: J. Palacios
01/28/2019	Proceedings recorded electronically.
01/28/2019	People represented by Alexander J. Brown, Deputy District Attorney, present.
01/28/2019	Defendant present in Court in propria persona.
01/28/2019	Warrant issued on 01/14/2019 withdrawn for defendant.
01/28/2019	Defendant requests to be granted self-representation.
01/28/2019	Defendant advised of the following:
01/28/2019	- The perils, pitfalls, dangers, and disadvantages of self-representation.
01/28/2019	Faretta Waiver filed.
01/28/2019	The defendant's motion for propria persona (pro per) status has been granted in the criminal case now pending before this court.
01/28/2019	Jury Trial set on 02/11/2019 at 08:30 AM in Department W18.
01/28/2019	Defendant ordered to appear.
01/28/2019	Day 14 of 30
01/28/2019	Court orders defendant is to remain released on own recognizance on condition(s): No further violation of protective order.
02/06/2019	Body Worn Camera Protective Order filed.
02/11/2019	Hearing held on 02/11/2019 at 08:30:00 AM in Department W18 for Jury Trial.
02/11/2019	Judicial Officer: Kevin Haskins, Judge
02/11/2019	Clerk: R. Nagle
02/11/2019	Bailiff: M. Borgen
02/11/2019	Proceedings recorded electronically.
02/11/2019	People represented by Dustin Chupurdy, Deputy District Attorney, present.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

06/21/2022 13:41:26 PM

Date of Action	Text
02/11/2019	Message from defendant given to the court.
02/11/2019	Defendant present in Court in propria persona.
02/11/2019	Financial Declaration reviewed and filed.
02/11/2019	Court appoints Public Defender to represent Defendant.
02/11/2019	People represented by Gerard Gully, Deputy District Attorney, present.
02/11/2019	Defendant present in court with counsel Sami Saati, Public Defender.
02/11/2019	All parties orally notified of the Court's disqualification disclosure pursuant to Canon 3E(2) of the California Code of Judicial Ethics.
02/11/2019	Request for Continuance - Misdemeanor filed.
02/11/2019	Defendant enters general time waiver.
02/11/2019	Pre Trial set on 04/12/2019 at 08:30 AM in Department W18.
02/11/2019	Defendant ordered to appear.
02/11/2019	Oral motion by People for the court to issue a Body Worn Camera protective order.
02/11/2019	Court orders the Body Worn Camera Protective Order filed on 02/06/2019 approved, issued and in full effect.
02/11/2019	People submit a protective order to be issued.
02/11/2019	Defense object to protective order being issued.
02/11/2019	Court finds there is not good cause to issue a protective order.
02/11/2019	People represented by Dustin Chupurdy, Deputy District Attorney, present.
02/11/2019	Defendant present in court with counsel Sami Saati, Public Defender.
02/11/2019	Futher argument heard as to protective order.
02/11/2019	Court denies protective order being issued without prejudice.
02/11/2019	Court orders defendant is to remain released on own recognizance on condition(s): No further violation of protective order.
04/11/2019	Calendar Line for PT transferred from W18 on 04/12/2019 at 08:30 AM to W13 on 04/12/2019 at 08:30 AM.
04/12/2019	Hearing held on 04/12/2019 at 08:30:00 AM in Department W13 for Pre Trial.
04/12/2019	Judicial Officer: Thomas Glazier, Judge
04/12/2019	Clerk: D. A. Pell
04/12/2019	Bailiff: D. Rosa
04/12/2019	People represented by Alliah Sue Bader, Deputy District Attorney, present.
04/12/2019	Defendant not present in Court represented by Sami Saati, Public Defender.
04/12/2019	Defendant's appearance is waived pursuant to Penal Code 977(a).
04/12/2019	All parties orally notified of the Court's disqualification disclosure pursuant to Canon 3E(2) of the California Code of Judicial Ethics.
04/12/2019	Request for Continuance - Misdemeanor filed.
04/12/2019	Pre Trial continued to 05/31/2019 at 08:30 AM in Department W18 at request of Defense.
04/12/2019	Defendant enters general time waiver.
04/12/2019	Court orders defendant is to remain released on own recognizance on condition(s): No further violation of protective order.
04/12/2019	Minutes entered by H. Mahnke on 04/12/2019.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

06/21/2022 13:41:26 PM

Date of Action	Text
04/12/2019	Later same day;
04/12/2019	People represented by Gerard Gully, Deputy District Attorney, present.
04/12/2019	Defendant not present in Court represented by Sami Saati, Public Defender.
04/12/2019	Pre Trial vacated for 05/31/2019 at 08:30 AM in W18.
04/12/2019	Jury Trial set on 06/03/2019 at 08:30 AM in Department W18.
04/12/2019	Court advised counsel to have defendant present at the next court date.
04/12/2019	Defendant waives statutory time for Jury Trial.
04/12/2019	Court orders defendant is to remain released on own recognizance on condition(s): No further violation of protective order.
04/17/2019	At the request of Court, case calendared on 04/17/19 at 08:30 AM in W2 for MH.
04/17/2019	MH set on 04/17/19 at 08:30 AM in W2 has been cancelled.
06/03/2019	Hearing held on 06/03/2019 at 08:30:00 AM in Department W18 for Jury Trial.
06/03/2019	Judicial Officer: Kevin Haskins, Judge
06/03/2019	Clerk: D. Phillips
06/03/2019	Bailiff: R. Garcia
06/03/2019	Proceedings recorded electronically.
06/03/2019	People represented by Gerard Gully, Deputy District Attorney, present.
06/03/2019	Defendant present in court with counsel Sami Saati, Public Defender.
06/03/2019	All parties orally notified of the Court's disqualification disclosure pursuant to Canon 3E(2) of the California Code of Judicial Ethics.
06/03/2019	Defense Motion to Continue (PC 1050) filed.
06/03/2019	People state they are ready and object to the jury trial being vacated.
06/03/2019	Victim is present and addresses the Court.
06/03/2019	Motion granted.
06/03/2019	Request for Continuance - Misdemeanor filed.
06/03/2019	Jury Trial continued to 07/17/2019 at 08:30 AM in Department W18 at request of Defense.
06/03/2019	Defendant waives statutory time for Jury Trial.
06/03/2019	Day 0 of 10.
06/03/2019	Court inquires of counsel as to why there is not a protective order on this case.
06/03/2019	Protective order is argued.
06/03/2019	People state they have requested a protective order be issued in the past and would again request one if they could.
06/03/2019	Matter trailed to 1:30 PM. All parties are ordered to return.
06/03/2019	In open court at 02:55 PM
06/03/2019	All parties are again present.
06/03/2019	Defense counsel is not prepared to argue the protective order issue.
06/03/2019	Oral motion by People for a protective order to be issued
06/03/2019	Motion argued.
06/03/2019	Court finds there may be good cause to issue a protective order but agrees with defense counsel that he is entitled to prepare for a hearing regarding this issue.
06/03/2019	The previous ruling to continue the Jury Trial remains.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

06/21/2022 13:41:26 PM

Date of Action	Text
06/03/2019	Court finds good cause to continue the Jury Trial based upon the new case and the discovery on this matter.
06/03/2019	Motion set on 06/10/2019 at 08:30 AM in Department W18.
06/03/2019	Motion re: Protective Order.
06/03/2019	Defendant ordered to return.
06/03/2019	Court orders defendant be released on own recognizance on condition(s): stay 100 yards away from 16025 Warmington Lane Huntington Beach, CA.
06/03/2019	Minutes of 06/03/2019 entered on 06/04/2019.
06/10/2019	Hearing held on 06/10/2019 at 08:30:00 AM in Department W18 for Motion.
06/10/2019	Judicial Officer: Terri K Flynn-Peister, Judge
06/10/2019	Clerk: R. Nagle
06/10/2019	Bailiff: J. Palacios
06/10/2019	Proceedings recorded electronically.
06/10/2019	People represented by Gerard Gully, Deputy District Attorney, present.
06/10/2019	Defendant present in court with counsel Sami Saati, Public Defender.
06/10/2019	Victim present in court.
06/10/2019	Pursuant to the California Code of Judicial Ethics, Canon 3, subsection E(2), Court Disclosure regarding the criminal case filed in the People of the State of California v. Isaac Jones, case number 19CF0869 given by Terri K Flynn-Peister, Judge in court.
06/10/2019	Case called. People answer ready. Defense answers ready.
06/10/2019	Motion reassigned for 06/10/2019 at 09:40 AM in Department W3, Judge Debra Carrillo, Motion Re: Protective Order.
06/10/2019	Hearing held on 06/10/2019 at 09:40:00 AM in Department W3 for Motion.
06/10/2019	Judicial Officer: Debra Carrillo, Judge
06/10/2019	Clerk: C. Pinci
06/10/2019	Bailiff: A. Cleveland
06/10/2019	Proceedings recorded electronically.
06/10/2019	People represented by Gerard Gully, Deputy District Attorney, present.
06/10/2019	Defendant present in court with counsel Sami Saati, Public Defender.
06/10/2019	Case came on regularly for Motion to Issue Protective Order.
06/10/2019	Oral motion by People to issue protective order
06/10/2019	Defense objects.
06/10/2019	Defense requests continuance.
06/10/2019	Request denied.
06/10/2019	Witness, Janine Jasso, sworn and testified.
06/10/2019	Start of Exhibit List: for exhibit management purposes.
06/10/2019	People's Exhibit # 1 (Document(s))- Temporary Restraining Order case number 30-2017-00962999 filed 12-22-17 marked for identification.
06/10/2019	People's Exhibit # 2 (Document(s))- Order on Request to Continue Hearing marked for identification.
06/10/2019	Defense Exhibit # A (Document(s))- Google Earth map of condo complex marked for identification.
06/10/2019	Witness excused.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

06/21/2022 13:41:26 PM

Date of Action	Text
06/10/2019	Motion argued.
06/10/2019	Motion denied.
06/10/2019	Jury Trial vacated for 07/17/2019 at 08:30 AM in W18.
06/10/2019	Jury Trial set on 07/31/2019 at 08:30 AM in Department W18.
06/10/2019	Defendant enters general time waiver.
06/10/2019	Defendant ordered to appear.
06/10/2019	Court adds additional conditions to release on own recognizance.
06/10/2019	Court orders defendant is to remain released on own recognizance on condition(s): 1.) stay 100 yards away from 16025 Warmington Lane Huntington Beach, CA; 2.) Stay 100 yards away from victim and victim's daughter.
06/10/2019	End of Exhibit List: for exhibit management purposes.
06/14/2019	Request for Copy Of Electronic Recording received.
06/14/2019	Pay FEE of \$10.00 Electronic Recording Monitor Fee pursuant to GC 26831.
06/14/2019	Remittance from receipt # 17009951 received in the amount of \$ 10.00.
06/14/2019	Correspondence from Defendant filed.
06/18/2019	Case referred to W18 for review.
06/19/2019	Hearing held on 06/19/2019 at 09:00:00 AM in Department W18 for Chambers Work.
06/19/2019	Judicial Officer: Terri K Flynn-Peister, Judge
06/19/2019	Clerk: C. E. Garcia
06/19/2019	No appearance by parties.
06/19/2019	Defendant submitted documents on 6-14-19 to the clerk's office and requested a Marsden hearing. The documents were mistakenly sent to W18 as chamber work. The Court did not read anything and returned to documents to the clerk's office for processing.
06/19/2019	Notice to be given to both sides that the Court received this information but did not read or review.
06/19/2019	Documents to be maintained in a sealed envelope until the next hearing on 7-31-19
06/19/2019	Minutes entered by C. Garcia on 06/19/2019.
06/19/2019	Notice to defendant issued.
06/21/2019	Notice to defendant printed and mailed to defendant, and Public Defender.
06/25/2019	Additional documentation being held by Supervisor C. Garcia
06/26/2019	At the request of Defense Counsel, case calendared on 06/26/19 at 08:30 AM in W18 for HRG.
06/26/2019	Hearing held on 06/26/2019 at 08:30:00 AM in Department W18 for Hearing.
06/26/2019	Judicial Officer: Terri K Flynn-Peister, Judge
06/26/2019	Clerk: R. Stamm
06/26/2019	Bailiff: J. Palacios
06/26/2019	Proceedings recorded electronically.
06/26/2019	People represented by Bradley R Walker, Deputy District Attorney, present.
06/26/2019	Deepesh K Pandit makes a special appearance for Sami Saati, Public Defender, Defendant not present.
06/26/2019	Oral motion by Defense the release of sealed documents.
06/26/2019	No objection by the People.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

06/21/2022 13:41:26 PM

Date of Action	Text
06/26/2019	Motion granted.
06/26/2019	Sealed documents maintain by Clerks Office given to Deputy Public Defender Sami Saati this date at 3:18 PM.
06/26/2019	Jury Trial for 07/31/2019 08:30 AM in W18 to remain.
06/26/2019	Court orders defendant is to remain released on own recognizance on condition(s): 1.) stay 100 yards away from 16025 Warmington Lane Huntington Beach, CA; 2.) Stay 100 yards away from victim and victim's daughter..
07/29/2019	At the request of Defense Counsel, case calendared on 07/29/19 at 08:30 AM in W12 for HRG.
07/29/2019	HRG set on 07/29/19 at 08:30 AM in W12 has been cancelled.
07/29/2019	At the request of Defense Counsel, case calendared on 07/29/19 at 08:30 AM in W18 for HRG.
07/29/2019	Hearing held on 07/29/2019 at 08:30:00 AM in Department W18 for Hearing.
07/29/2019	Judicial Officer: Kevin Haskins, Judge
07/29/2019	Clerk: D. Phillips
07/29/2019	Bailiff: R. Garcia
07/29/2019	Proceedings recorded electronically.
07/29/2019	People represented by Gerard Gully, Deputy District Attorney, present.
07/29/2019	Defendant not present in Court represented by Sami Saati, Public Defender.
07/29/2019	Defendant's appearance is waived pursuant to Penal Code 977(a).
07/29/2019	All parties orally notified of the Court's disqualification disclosure pursuant to Canon 3E(2) of the California Code of Judicial Ethics.
07/29/2019	Notice of Motion and Motion to Continue Trial received, not filed.
07/29/2019	Court read and considered Notice of Motion and Motion to Continue Trial.
07/29/2019	Objection by the People People state the victim is present and would like to address the court..
07/29/2019	Motion will not be heard today.
07/29/2019	Defense Motion to Continue (PC 1050) filed.
07/29/2019	Motion re: Continuance set on 07/31/2019 at 08:30 AM in Department W18.
07/29/2019	Jury Trial for 07/31/2019 08:30 AM in W18 to remain.
07/29/2019	Janine J., Victim, present in court.
07/29/2019	Victim addresses the court.
07/29/2019	Court orders defendant is to remain released on own recognizance on condition(s): 1.) stay 100 yards away from 16025 Warmington Lane Huntington Beach, CA; 2.) Stay 100 yards away from victim and victim's daughter.
07/31/2019	Hearing held on 07/31/2019 at 08:30:00 AM in Department W18 for Motion Continuance.
07/31/2019	Judicial Officer: Terri K Flynn-Peister, Judge
07/31/2019	Clerk: R. Nagle
07/31/2019	Bailiff: J. Palacios
07/31/2019	Proceedings recorded electronically.
07/31/2019	People represented by Bradley R Walker, Deputy District Attorney, present.
07/31/2019	Defendant present in court with counsel Sami Saati, Public Defender.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

06/21/2022 13:41:26 PM

Date of Action	Text
07/31/2019	All parties orally notified of the Court's disqualification disclosure pursuant to Canon 3E(2) of the California Code of Judicial Ethics.
07/31/2019	Defendant requests a Marsden Hearing.
07/31/2019	Motion re: Marsden reassigned for 07/31/2019 at 11:30 AM in Department W3, Debra Carrillo Judge, Marsden Motion.
07/31/2019	Calendar Line for JT transferred from W18 on 07/31/2019 at 08:30 AM to W3 on 07/31/2019 at 08:30 AM.
07/31/2019	Hearing held on 07/31/2019 at 11:30:00 AM in Department W3 for Motion Marsden.
07/31/2019	Hearing held on 07/31/2019 at 08:30 AM in Department W3 for Jury Trial.
07/31/2019	Judicial Officer: Debra Carrillo, Judge
07/31/2019	Clerk: C. Pinci
07/31/2019	Bailiff: A. Cleveland
07/31/2019	Proceedings recorded electronically.
07/31/2019	Defendant present in court with counsel Sami Saati, Public Defender.
07/31/2019	Courtroom is cleared of all persons except court staff, Defendant, and Defense Counsel.
07/31/2019	Case came on regularly for Marsden Hearing
07/31/2019	Oral motion by Defense to hold Marsden Hearing after 3 pm today
07/31/2019	Motion denied.
07/31/2019	Marsden Hearing held
07/31/2019	Motion by Defendant for new counsel is denied.
07/31/2019	Court orders recording of Marsden Hearing sealed.
07/31/2019	Oral motion by Defense to represent herself
07/31/2019	Motion granted.
07/31/2019	Faretta Waiver filed.
07/31/2019	Deputy Public Defender relieved as Counsel of Record.
07/31/2019	Jury Trial set on 08/01/2019 at 08:30 AM in Department W18.
07/31/2019	Defendant ordered to appear.
07/31/2019	Court orders defendant is to remain released on own recognizance on condition(s): 1.) stay 100 yards away from 16025 Warmington Lane Huntington Beach, CA; 2.) Stay 100 yards away from victim and victim's daughter..
08/01/2019	Hearing held on 08/01/2019 at 08:30:00 AM in Department W18 for Jury Trial.
08/01/2019	Judicial Officer: Terri K Flynn-Peister, Judge
08/01/2019	Clerk: R. Nagle
08/01/2019	Bailiff: J. Palacios
08/01/2019	Proceedings recorded electronically.
08/01/2019	People represented by Gerard Gully, Deputy District Attorney, present.
08/01/2019	Defendant present in Court in propria persona.
08/01/2019	All parties orally notified of the Court's disqualification disclosure pursuant to Canon 3E(2) of the California Code of Judicial Ethics.
08/01/2019	Defendant enters general time waiver.
08/01/2019	Pre Trial set on 08/07/2019 at 08:30 AM in Department W18.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

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Date of Action	Text
08/01/2019	Hearing re: Bail Review set on 08/07/2019 at 08:30 AM in Department W18.
08/01/2019	Defendant ordered to appear.
08/01/2019	Court orders defendant is to remain released on own recognizance on condition(s): 1.) Stay 100 yards away from 16025 Warmington Lane Huntington Beach, CA; 2.) Stay 100 yards away from victim and victim's daughter.
08/07/2019	Hearing held on 08/07/2019 at 08:30:00 AM in Department W18 for Pre Trial.
08/07/2019	Hearing held on 08/07/2019 at 08:30:00 AM in Department W18 for Hearing Bail Review.
08/07/2019	Judicial Officer: Terri K Flynn-Peister, Judge
08/07/2019	Clerk: H. Mahnke
08/07/2019	Bailiff: J. Palacios
08/07/2019	Proceedings recorded electronically.
08/07/2019	People represented by Gerard Gully, Deputy District Attorney, present.
08/07/2019	Defendant present in Court in propria persona.
08/07/2019	All parties orally notified of the Court's disqualification disclosure pursuant to Canon 3E(2) of the California Code of Judicial Ethics.
08/07/2019	Case called. People answer ready. Defense answers ready.
08/07/2019	Pre Trial reassigned for 08/07/2019 at 10:13 AM in Department W16, Judge Kevin Haskins, Bail Review & Pre-Trial.
08/07/2019	Hearing held on 08/07/2019 at 10:13:00 AM in Department W16 for Pre Trial.
08/07/2019	Judicial Officer: Kevin Haskins, Judge
08/07/2019	Clerk: C. Pinci
08/07/2019	Bailiff: R. Garcia
08/07/2019	Proceedings recorded electronically.
08/07/2019	People represented by Gerard Gully, Deputy District Attorney, present.
08/07/2019	Defendant present in Court in propria persona.
08/07/2019	All parties orally notified of the Court's disqualification disclosure pursuant to Canon 3E(2) of the California Code of Judicial Ethics.
08/07/2019	Oral motion by People for bail review hearing
08/07/2019	Witness, Janine Jasso, sworn and testified.
08/07/2019	Court declares a recess at 11:59 am.
08/07/2019	Court resumes bail review hearing at 1: 34 pm
08/07/2019	Janine Jasso, previously sworn, resumes testimony.
08/07/2019	Start of Exhibit List: for exhibit management purposes.
08/07/2019	People's Exhibit # 1 (Document(s))- Map of location marked for identification.
08/07/2019	Defense Exhibit # A (Document(s))- Google Map of location marked for identification.
08/07/2019	Oral motion by People for People's exhibit 1 into evidence
08/07/2019	Motion granted.
08/07/2019	People's Exhibit # 1 received into evidence.
08/07/2019	Defense Exhibit # A received into evidence.
08/07/2019	Witness excused.
08/07/2019	Witness, Jamie Gallian, sworn and testified.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

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Date of Action	Text
08/07/2019	Defense Exhibit # B (Document(s))- Written Declaration of Ashley Bostic marked for identification.
08/07/2019	Court takes judicial notice of case 19WM09951 for Jesus Jasso.
08/07/2019	Defense Exhibit # C (Document(s))- Minute Order of Case 30-2017-00962999-CU-HR-CJC packet marked for identification.
08/07/2019	Defense Exhibit # D (Document(s))- Stipulation of Civil Harassment 2017-00962999-CU-HR-Cj marked for identification.
08/07/2019	Defense Exhibit # E (Document(s))- Minute Order of 30-2018-00986785-CU-HR-CJC marked for identification.
08/07/2019	Court takes judicial notice of of minutes of 6-14-19 minute order and 8-1-19.
08/07/2019	Motion argued.
08/07/2019	Court finds defendant violated release conditions
08/07/2019	Defendant's own recognizance status is revoked.
08/07/2019	Court orders bail set in the amount of \$50, 000.00.
08/07/2019	Defendant taken into custody.
08/07/2019	Oral motion by Defense for an attorney to be appointed
08/07/2019	Motion granted.
08/07/2019	Court appoints Alternate Defender to represent Defendant.
08/07/2019	Public Defender declares a conflict.
08/07/2019	Pre Trial set on 08/16/2019 at 08:30 AM in Department W18.
08/07/2019	Defendant revokes time waiver.
08/07/2019	Defendant waives statutory time for Jury Trial.
08/07/2019	Jury Trial set on 08/27/2019 at 08:30 AM in Department W18.
08/07/2019	Defendant ordered to appear.
08/07/2019	Protective Order signed, served and filed.
08/07/2019	Victim served with copy of protective order in open court
08/07/2019	Comply with all terms of Protective Order.
08/07/2019	Protective Order faxed to Protective Order Registry.
08/07/2019	Later the same day:
08/07/2019	People represented by Gerard Gully, Deputy District Attorney, present.
08/07/2019	Defendant present in Court with counsel Mitchell Timbanard, Alternate Defender.
08/07/2019	Hearing re: Bail Review set on 08/12/2019 at 08:30 AM in Department W18.
08/07/2019	Defendant ordered to appear.
08/07/2019	Pre Trial vacated for 08/16/2019 at 08:30 AM in W18.
08/07/2019	Jury Trial for 08/27/2019 08:30 AM in W18 to remain.
08/07/2019	Defendant ordered to appear.
08/07/2019	Pre Trial set on 08/08/2019 at 08:30 AM in Department W16.
08/07/2019	Current bail set for Defendant to remain at \$50, 000.00.
08/07/2019	Defendant to be examined by Jail Psychological Team.
08/07/2019	Defendant remanded to the custody of the Sheriff.
08/07/2019	Notice to Sheriff issued.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

06/21/2022 13:41:26 PM

Date of Action	Text
08/07/2019	End of Exhibit List: for exhibit management purposes. (Entered NUNC_PRO_TUNC on 09/06/19)
08/07/2019	Minutes entered by C. Pinci on 08/07/2019.
08/08/2019	Bail Bond Number CC50-01386964 posted in the amount of \$50000.00 by RI111411 of CONT.
08/08/2019	Bail Bond posted per Sheriff Bail Bond report. Bond to be filed when received.
08/08/2019	Appearance date on Bond/Cash Bail receipt is 08/08/2019.
08/08/2019	Protective Order entered in the Protective Order Registry.
08/08/2019	Hearing held on 08/08/2019 at 08:30:00 AM in Department W16 for Pre Trial.
08/08/2019	Judicial Officer: Kevin Haskins, Judge
08/08/2019	Clerk: R. Stamm
08/08/2019	Bailiff: R. Garcia
08/08/2019	Proceedings recorded electronically.
08/08/2019	People represented by Gerard Gully, Deputy District Attorney, present.
08/08/2019	Defendant present in Court with counsel Jose Luis Hernandez, Alternate Defender.
08/08/2019	Scott Sanders, Deputy Public Defender, present.
08/08/2019	Deputy Public Defender Scott Sanders declares conflict as to Public Defender office declaring a conflict on 8/07/19.
08/08/2019	Court reviews minutes of case in open court.
08/08/2019	Jose Hernandez, Alternate Defender, does not wish to be heard regarding this issue.
08/08/2019	People submit.
08/08/2019	Court vacates its previous finding that the Public Defenders office had a conflict of interest, that finding was erroneous.
08/08/2019	Court vacates the order appointing the Alternate Defenders office as attorney of record.
08/08/2019	Court appoints Public Defenders office as Attorney of Record.
08/08/2019	Public Defenders office accepts appointment.
08/08/2019	Defendant present in court with counsel Scott Sanders, Public Defender.
08/08/2019	Case placed on second call.
08/08/2019	In open court at 11:40 AM
08/08/2019	Proceedings recorded electronically.
08/08/2019	People represented by Gerard Gully, Deputy District Attorney, present.
08/08/2019	Defendant present in court with counsel Scott Sanders, Public Defender.
08/08/2019	Jury Trial for 08/27/2019 08:30 AM in W18 to remain.
08/08/2019	Defendant ordered to appear.
08/08/2019	Hearing re: Bail Review vacated for 08/12/2019 at 08:30 AM in W18.
08/08/2019	Present bail deemed sufficient and continued.
08/08/2019	Defendant is released on bail on the condition 1.) Stay 100 yards away from 16025 Warmington Lane Huntington Beach, CA; 2.) Stay 100 yards away from victim and victim's daughter.
08/08/2019	Request for Copy of Electronic Recording received, not filed.
08/09/2019	Surety Bond # CC50-01386964 filed.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

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Date of Action	Text
08/09/2019	OCJR S4101209 filed.
08/09/2019	Request for Booking Fees Received from Orange County Sheriff Department in the amount of \$235.00, date of arrest 08/07/2019.
08/23/2019	Defense Notice and Supplemental Motion for Continuance; Memorandum of Points and Authorities; Sealed Declaration in Support Thereof filed.
08/23/2019	Motion set on 08/27/2019 at 08:30 AM in Department W18.
08/27/2019	Hearing held on 08/27/2019 at 08:30:00 AM in Department W18 for Jury Trial.
08/27/2019	Hearing held on 08/27/2019 at 08:30:00 AM in Department W18 for Motion.
08/27/2019	Judicial Officer: Terri K Flynn-Peister, Judge
08/27/2019	Clerk: H. Mahnke
08/27/2019	Bailiff: J. Palacios
08/27/2019	Proceedings recorded electronically.
08/27/2019	People represented by Gerard Gully, Deputy District Attorney, present.
08/27/2019	Defendant present in court with counsel Michael Figura, Public Defender.
08/27/2019	All parties orally notified of the Court's disqualification disclosure pursuant to Canon 3E(2) of the California Code of Judicial Ethics.
08/27/2019	Michael Devereaux makes an appearance to request to sub in as attorney of record for defendant.
08/27/2019	The Court is concerned about a possible conflict of interest. Parties are ordered to brief conflict of interest issue. If waivable, defendant is to file a written waiver.
08/27/2019	Jury Trial trailed to 08/28/2019 at 08:30 AM in Department W18.
08/27/2019	Defendant ordered to appear.
08/27/2019	Hearing re: Bail Review set on 09/03/2019 at 01:30 PM in Department W18.
08/27/2019	Hearing re: Protective Order Modification set on 09/03/2019 at 01:30 PM in Department W18.
08/27/2019	Court allows hearings to be set at 1:30 pm.
08/27/2019	Defendant ordered to appear.
08/27/2019	Defendant is released on bail on the condition 1.) Stay 100 yards away from 16025 Warmington Lane Huntington Beach, CA; 2.) Stay 100 yards away from victim and victim's daughter
08/27/2019	Present bail deemed sufficient and continued.
08/28/2019	Hearing held on 08/28/2019 at 08:30:00 AM in Department W18 for Jury Trial.
08/28/2019	Judicial Officer: Terri K Flynn-Peister, Judge
08/28/2019	Clerk: H. Mahnke
08/28/2019	Bailiff: J. Palacios
08/28/2019	Proceedings recorded electronically.
08/28/2019	People represented by Adam Zamora, Deputy District Attorney, present.
08/28/2019	Defendant present in court with counsel Michael Figura, Public Defender.
08/28/2019	All parties orally notified of the Court's disqualification disclosure pursuant to Canon 3E(2) of the California Code of Judicial Ethics.
08/28/2019	Renee Garcia, Retained Attorney, substituting in as Attorney of Record.
08/28/2019	Michael Figura relieved as Counsel of Record.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

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Date of Action	Text
08/28/2019	Michael Figura makes a special appearance for Renee Garcia, Retained Attorney, Defendant present.
08/28/2019	Case placed on second call to allow attorneys to agree on dates for continuances.
08/28/2019	Later:
08/28/2019	Court appoints Public Defender to represent Defendant.
08/28/2019	Renee Garcia relieved as Counsel of Record.
08/28/2019	Defendant advised there will be no more changes of counsel allowed.
08/28/2019	Hearing re: Protective Order Modification set on 09/03/2019 at 08:30 AM in Department W18.
08/28/2019	Hearing re: Bail Review set on 09/03/2019 at 08:30 AM in Department W18.
08/28/2019	Defendant ordered to appear.
08/28/2019	Pre Trial set on 09/13/2019 at 08:30 AM in Department W18.
08/28/2019	Defendant ordered to appear.
08/28/2019	Jury Trial set on 10/09/2019 at 08:30 AM in Department W18.
08/28/2019	Defendant waives statutory time for Jury Trial.
08/28/2019	Day 0 of 10
08/28/2019	Defendant is released on bail on the condition 1.) Stay 100 yards away from 16025 Warmington Lane Huntington Beach, CA; 2.) Stay 100 yards away from victim and victim's daughter
08/28/2019	Present bail deemed sufficient and continued.
08/28/2019	Minutes of 08/28/2019 entered on 08/29/2019.
08/30/2019	Copy of Electronic Recording dated 8/7/19 given to Public Defender
09/03/2019	HRG POM set on 09/03/19 at 08:30 AM in W18 has been cancelled.
09/03/2019	HRG BR set on 09/03/19 at 08:30 AM in W18 has been cancelled.
09/03/2019	Hearing held on 09/03/2019 at 01:30:00 PM in Department W18 for Hearing Bail Review.
09/03/2019	Hearing held on 09/03/2019 at 01:30:00 PM in Department W18 for Hearing Protective Order Modification.
09/03/2019	Judicial Officer: Terri K Flynn-Peister, Judge
09/03/2019	Clerk: H. Mahnke
09/03/2019	Bailiff: P. Ophaso
09/03/2019	Proceedings recorded electronically.
09/03/2019	People represented by Alliah Sue Bader, Deputy District Attorney, present.
09/03/2019	Defendant present in court with counsel Michael Figura, Public Defender.
09/03/2019	All parties orally notified of the Court's disqualification disclosure pursuant to Canon 3E(2) of the California Code of Judicial Ethics.
09/03/2019	Public Defender declares a conflict.
09/03/2019	Court appoints Alternate Defender to represent Defendant.
09/03/2019	Defendant present in Court with counsel Jose Luis Hernandez, Alternate Defender.
09/03/2019	Deputy Public Defender relieved as Counsel of Record.
09/03/2019	Case called. People answer ready. Defense answers ready.
09/03/2019	Petition reassigned for 09/03/2019 at 02:20 PM in Department W17, Judge Thomas S. McConville, Protective Order Modification.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

06/21/2022 13:41:26 PM

Date of Action	Text
09/03/2019	Hearing reassigned for 09/03/2019 at 02:21 PM in Department W17, Judge Thomas S. McConville, Bail Review.
09/03/2019	Defendant is released on bail on the condition 1.) Stay 100 yards away from 16025 Warmington Lane Huntington Beach, CA; 2.) Stay 100 yards away from victim and victim's daughter
09/03/2019	Present bail deemed sufficient and continued.
09/03/2019	Hearing held on 09/03/2019 at 02:21:00 PM in Department W17 for Hearing.
09/03/2019	Hearing held on 09/03/2019 at 02:20:00 PM in Department W17 for Petition.
09/03/2019	Judicial Officer: Thomas S. McConville, Judge
09/03/2019	Clerk: J. Morales
09/03/2019	Bailiff: G. Avila
09/03/2019	Proceedings recorded electronically.
09/03/2019	People represented by Gerard Gully, Deputy District Attorney, present.
09/03/2019	Defendant present in Court with counsel Benjamin Russell, Alternate Defender.
09/03/2019	Motion by People bail review
09/03/2019	Witness, Janine Jassd, sworn and testified.
09/03/2019	Witness, Officer Vincent Rivas, sworn and testified.
09/03/2019	Witness identified the defendant.
09/03/2019	Hearing continued to 09/06/2019 at 08:30 AM in Department W17 by stipulation of all parties.
09/03/2019	Defendant ordered to appear.
09/03/2019	Pre Trial for 09/13/2019 08:30 AM in W18 to remain.
09/03/2019	Jury Trial for 10/09/2019 08:30 AM in W18 to remain.
09/03/2019	Defendant is released on bail on the condition 1.) Stay 100 yards away from 16025 Warmington Lane Huntington Beach, CA; 2.) Stay 100 yards away from victim and victim's daughter
09/03/2019	Present bail deemed sufficient and continued.
09/03/2019	Receieved received, not filed.
09/06/2019	Hearing held on 09/06/2019 at 08:30:00 AM in Department W17 for Hearing.
09/06/2019	Judicial Officer: Thomas S. McConville, Judge
09/06/2019	Clerk: H. Mahnke
09/06/2019	Bailiff: G. Avila
09/06/2019	Proceedings recorded electronically.
09/06/2019	People represented by Gerard Gully, Deputy District Attorney, present.
09/06/2019	Defendant present in Court with counsel Benjamin Russell, Alternate Defender.
09/06/2019	Janine Jasso, previously sworn, resumes testimony.
09/06/2019	Start of Exhibit List: for exhibit management purposes.
09/06/2019	Defense Exhibit # A (Document(s))- Map of general area of Lolita Lane marked for identification.
09/06/2019	Defense Exhibit # A received into evidence.
09/06/2019	Officer Vincent Rivas, previously sworn, resumes testimony.
09/06/2019	People rest(s)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

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Date of Action	Text
09/06/2019	Witness, Daniel Dorantes, sworn and testified.
09/06/2019	Defense rests.
09/06/2019	Oral motion by People for bail increase
09/06/2019	Motion argued.
09/06/2019	Motion denied.
09/06/2019	End of Exhibit List: for exhibit management purposes. (Entered NUNC_PRO_TUNC on 10/15/19)
09/06/2019	Defendant advised she is not to violate the bail release conditions and that she may be taken into custody if she does.
09/06/2019	Oral motion by People for bail forfeiture
09/06/2019	Motion denied.
09/06/2019	Oral motion by Defense to modify the protective order
09/06/2019	Motion denied.
09/06/2019	Pre Trial vacated for 09/13/2019 at 08:30 AM in W18.
09/06/2019	Pre Trial set on 10/04/2019 at 08:30 AM in Department W18.
09/06/2019	Jury Trial for 10/09/2019 08:30 AM in W18 to remain.
09/06/2019	Defendant waives statutory time for Jury Trial.
09/06/2019	Day 0 of 10
09/06/2019	Defendant ordered to appear.
09/06/2019	Defendant is released on bail on the condition 1.) Stay 100 yards away from 16025 Warmington Lane Huntington Beach, CA; 2.) Stay 100 yards away from victim and victim's daughter
09/06/2019	Present bail deemed sufficient and continued.
09/06/2019	Nunc Pro Tunc entry(s) made on this date for 08/07/2019.
10/03/2019	Calendar Line for PT transferred from W18 on 10/04/2019 at 08:30 AM to W13 on 10/04/2019 at 08:30 AM.
10/04/2019	Pay FEE of \$10.00 Electronic Recording Monitor Fee pursuant to GC 26831.
10/04/2019	Remittance from receipt # 17244491 received in the amount of \$ 10.00.
10/04/2019	Copy of Electronic Recording for 8/8/19 given to Jamie Gallian.
10/04/2019	Hearing held on 10/04/2019 at 08:30:00 AM in Department W13 for Pre Trial.
10/04/2019	Judicial Officer: Thomas Glazier, Judge
10/04/2019	Clerk: C. A. Anderson
10/04/2019	Bailiff: K. Blazer
10/04/2019	People represented by Gerard Gully, Deputy District Attorney, present.
10/04/2019	Defendant present in Court with counsel Benjamin Russell, Alternate Defender.
10/04/2019	Pursuant to the California Code of Judicial Ethics, Canon 3, subsection E(2), Court Disclosure regarding the criminal case filed in the People of the State of California v. Isaac Jones, case number 19CF0869 given by Thomas Glazier, Judge in court.
10/04/2019	Request for Continuance - Misdemeanor filed.
10/04/2019	Jury Trial for 10/09/2019 08:30 AM in W18 to remain.
10/04/2019	Defendant ordered to appear.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

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Date of Action	Text
10/04/2019	Defendant is released on bail on the condition 1.) Stay 100 yards away from 16025 Warmington Lane Huntington Beach, CA; 2.) Stay 100 yards away from victim and victim's daughter
10/04/2019	Present bail deemed sufficient and continued.
10/04/2019	Minutes entered by M. Saam on 10/04/2019.
10/07/2019	Defense Motion to Continue (PC 1050) filed.
10/07/2019	Motion re: Continuance set on 10/09/2019 at 08:30 AM in Department W18.
10/08/2019	Exhibit List of People filed.
10/08/2019	Exhibit List of Defense filed.
10/09/2019	Hearing held on 10/09/2019 at 08:30:00 AM in Department W18 for Jury Trial.
10/09/2019	Hearing held on 10/09/2019 at 08:30:00 AM in Department W18 for Motion Continuance.
10/09/2019	Judicial Officer: Terri K Flynn-Peister, Judge
10/09/2019	Clerk: R. Nagle
10/09/2019	Bailiff: J. Palacios
10/09/2019	Proceedings recorded electronically.
10/09/2019	People represented by Gerard Gully, Deputy District Attorney, present.
10/09/2019	Defendant present in Court with counsel Rick Vallejo, Alternate Defender.
10/09/2019	Victim present in court
10/09/2019	All parties orally notified of the Court's disqualification disclosure pursuant to Canon 3E(2) of the California Code of Judicial Ethics.
10/09/2019	Court read and considered Motion to Continue.
10/09/2019	Motion argued.
10/09/2019	Motion granted.
10/09/2019	Court finds good cause to continue trial under 1050
10/09/2019	Defendant waives statutory time for Jury Trial.
10/09/2019	Jury Trial set on 11/04/2019 at 08:30 AM in Department W18.
10/09/2019	Day 0 of 10
10/09/2019	Defendant ordered to appear.
10/09/2019	People request bail review to be set for 10-11-19. Request denied.
10/09/2019	Hearing re: Bail Review set on 10/15/2019 at 08:30 AM in Department W18.
10/09/2019	Defendant ordered to appear.
10/09/2019	Present bail deemed sufficient and continued.
10/09/2019	Defendant is released on bail on the condition 1.) Stay 100 yards away from 16025 Warmington Lane Huntington Beach, CA; 2.) Stay 100 yards away from victim and victim's daughter
10/15/2019	Hearing held on 10/15/2019 at 08:30:00 AM in Department W18 for Hearing Bail Review.
10/15/2019	Judicial Officer: Terri K Flynn-Peister, Judge
10/15/2019	Clerk: R. Nagle

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

06/21/2022 13:41:26 PM

Date of Action	Text
10/15/2019	Bailiff: G. Avila
10/15/2019	Proceedings recorded electronically.
10/15/2019	People represented by Gerard Gully, Deputy District Attorney, present.
10/15/2019	Defendant present in Court with counsel Rick Vallejo, Alternate Defender.
10/15/2019	All parties orally notified of the Court's disqualification disclosure pursuant to Canon 3E(2) of the California Code of Judicial Ethics.
10/15/2019	Case called. People answer ready. Defense answers ready.
10/15/2019	Hearing re: Bail Review reassigned for 10/15/2019 at 09:45 AM in Department W11, Sheila Recio Judge, Bail Review.
10/15/2019	Jury Trial for 11/04/2019 08:30 AM in W18 to remain.
10/15/2019	Present bail deemed sufficient and continued.
10/15/2019	Hearing held on 10/15/2019 at 09:45:00 AM in Department W11 for Hearing Bail Review.
10/15/2019	Judicial Officer: Sheila Recio, Judge
10/15/2019	Clerk: M. Villalobos
10/15/2019	Bailiff: M. Wallace
10/15/2019	Proceedings recorded electronically.
10/15/2019	Defendant present in Court with counsel Rick Vallejo, Alternate Defender.
10/15/2019	People represented by Gerard Gully, Deputy District Attorney, present.
10/15/2019	In open court at 10:50 AM
10/15/2019	Witness, Lynne Anderson, sworn and testified.
10/15/2019	Start of Exhibit List: for exhibit management purposes.
10/15/2019	People's Exhibit # 1 (Document(s))- complex map for Huntington Beach Gables marked for identification.
10/15/2019	People's Exhibit # 2 (Photograph)- Google earth photograph, aerial view of 16025 Warmington marked for identification.
10/15/2019	People's Exhibit # 2 description updated to reflect Color photograph of a sports utility vehicle with 19-013923 written on the top right corner.
10/15/2019	Defense Exhibit # A (Photograph)- Google earth photograph, aerial view of 16025 Warmington marked for identification.
10/15/2019	Witness excused.
10/15/2019	Witness, Jeanine Jasso, sworn and testified.
10/15/2019	People's Exhibit # 3 (Photograph)- Google maps color photograph, aerial view of Rancho Del Rey Mobile Home Estates marked for identification.
10/15/2019	Witness excused.
10/15/2019	People rest(s)
10/15/2019	Witness, Defendant, sworn and testified.
10/15/2019	Defense Exhibit # B (Media)- USB drive containing video from defendants vehicle dashboard camera marked for identification.
10/15/2019	Video played in open court.
10/15/2019	Witness excused.
10/15/2019	Defense rests.
10/15/2019	People's Exhibits # 1 through 3 received into evidence.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

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Date of Action	Text
10/15/2019	Defense Exhibits # A through B received into evidence.
10/15/2019	Oral motion by People requesting the court remand the defendant into custody or increase the bail amount
10/15/2019	Motion argued.
10/15/2019	Court takes judicial notice of map of victims home complex.
10/15/2019	Motion denied.
10/15/2019	Court finds that the defendant violated the stay away order.
10/15/2019	Court adds the following term to defendants release conditions: Stay away from Nancita Lane
10/15/2019	Jury Trial for 11/04/2019 08:30 AM in W18 to remain.
10/15/2019	Defendant ordered to appear.
10/15/2019	Present bail deemed sufficient and continued.
10/15/2019	Defendant is released on bail on the condition 1) Stay 100 yards away from 16025 Warmington Lane Huntington Beach, CA; 2.) Stay 100 yards away from victim and victim's daughter; 3) Stay away from Nancita Lane
10/15/2019	Nunc Pro Tunc entry(s) made on this date for 09/06/2019.
10/15/2019	End of Exhibit List: for exhibit management purposes.
10/18/2019	Payment of \$10.00 for electronic recording monitor recieved on 10-4-19 was accepted in error as defendant paid \$10.00 on 9-3-19. Request for \$10.00 to be refunded due to duplicate payment.
10/18/2019	Remittance from Receipt Number 17244491 in the amount of \$ -10.00 voided.
10/18/2019	Application voided and re deposit to refund per Operation request.
10/18/2019	Remittance from receipt # 17274967 received in the amount of \$ 10.00.
10/18/2019	Cash bail posted in the amount of \$10.00 by Gallian, Jamie Lynn. Bail is Authorized: Y, Receipt # 17274967.
10/18/2019	Court orders cash bail exonerated. Receipt # 17274967.
10/18/2019	\$ 10 Recording Monitor entered in error.
10/22/2019	Exhibit List of People filed.
10/22/2019	Exhibit List of Defense filed.
10/25/2019	Refund transmitted to Auditor Controller in the amount of 10.00 for receipt number 17274967.
11/04/2019	Hearing held on 11/04/2019 at 08:30:00 AM in Department W18 for Jury Trial.
11/04/2019	Judicial Officer: Terri K Flynn-Peister, Judge
11/04/2019	Clerk: R. Nagle
11/04/2019	Bailiff: J. Palacios
11/04/2019	Proceedings recorded electronically. The recording equipment is functioning normally, and all of the proceedings in open court between designated times of day will be recorded, except for such matters as were expressly directed to be "off the record" or as otherwise specified.
11/04/2019	People represented by Gerard Gully, Deputy District Attorney, present.
11/04/2019	Defendant present in Court with counsel Rick Vallejo, Alternate Defender.
11/04/2019	Victim is present in Court
11/04/2019	Defense counsel requests to trail matter.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

06/21/2022 13:41:26 PM

Date of Action	Text
11/04/2019	Victim objects to continuance
11/04/2019	Case recalled at 10:33am
11/04/2019	Bradley R Walker made a special appearance for District Attorney Gerard Gully.
11/04/2019	Defendant present in Court with counsel Rick Vallejo, Alternate Defender.
11/04/2019	Request for Continuance - Misdemeanor filed.
11/04/2019	Jury Trial continued to 11/06/2019 at 08:30 AM in Department W18 at request of Defense.
11/04/2019	Defendant waives statutory time for Hearing.
11/04/2019	Defendant is released on bail on the condition 1) Stay 100 yards away from 16025 Warmington Lane Huntington Beach, CA; 2.) Stay 100 yards away from victim and victim's daughter; 3) Stay away from Nancita Lane (Entered NUNC_PRO_TUNC on 11/06/19)
11/04/2019	Present bail deemed sufficient and continued. (Entered NUNC_PRO_TUNC on 11/06/19)
11/04/2019	Minutes entered by C. A. Anderson on 11/04/2019.
11/06/2019	Hearing held on 11/06/2019 at 08:30:00 AM in Department W18 for Jury Trial.
11/06/2019	Judicial Officer: Terri K Flynn-Peister, Judge
11/06/2019	Clerk: R. Nagle
11/06/2019	Bailiff: J. Palacios
11/06/2019	Proceedings recorded electronically. The recording equipment is functioning normally, and all of the proceedings in open court between designated times of day will be recorded, except for such matters as were expressly directed to be "off the record" or as otherwise specified.
11/06/2019	People represented by Gerard Gully, Deputy District Attorney, present.
11/06/2019	Defendant present in Court with counsel Rick Vallejo, Alternate Defender.
11/06/2019	All parties orally notified of the Court's disqualification disclosure pursuant to Canon 3E(2) of the California Code of Judicial Ethics.
11/06/2019	Case called. People answer ready. Defense answers ready.
11/06/2019	Jury Trial reassigned for 11/06/2019 at 09:30 AM in Department W17, Judge Thomas S. McConville, Jury Trial, 5 day estimate.
11/06/2019	Hearing held on 11/06/2019 at 09:30:00 AM in Department W17 for Jury Trial.
11/06/2019	Judicial Officer: Thomas S. McConville, Judge
11/06/2019	Clerk: L. Y. Lee
11/06/2019	Bailiff: G. Avila
11/06/2019	Proceedings recorded electronically. The recording equipment is functioning normally, and all of the proceedings in open court between designated times of day will be recorded, except for such matters as were expressly directed to be "off the record" or as otherwise specified.
11/06/2019	People represented by Gerard Gully, Deputy District Attorney, present.
11/06/2019	Defendant present in Court with counsel Rick Vallejo, Alternate Defender.
11/06/2019	Case called. People answer ready. Defense answers ready.
11/06/2019	This case came on regularly for trial.
11/06/2019	Defendant's motions In Limine, request for evidence code section 402 hearings filed.
11/06/2019	People's trial brief and 402 motions filed.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

06/21/2022 13:41:26 PM

Date of Action	Text
11/06/2019	Motion by Defense I. to exclude all subsequent alleged violations of the protective order as irrelevant and as prejudicial under evidence code section 352
11/06/2019	Motion argued.
11/06/2019	Motion granted.
11/06/2019	Motion by Defense II. to include reference to a stipulation signed on February 14, 2018 by the Honorable Timothy J. Stafford which appears to dismiss the restraining order while at the same time continuing it
11/06/2019	Motion argued.
11/06/2019	Motion denied.
11/06/2019	Motion by Defense III. for order that, as to any in limine motion, no further objection shall be required to preserve the issue for appeal
11/06/2019	Motion denied.
11/06/2019	Motion by People 1. to exclude testifying witnesses
11/06/2019	Motion granted.
11/06/2019	Applies to both sides.
11/06/2019	Motion by People 2. to exclude any reference to the defendant's civil suit as confusing the issues under evidence code 352
11/06/2019	Motion argued.
11/06/2019	Court defer ruling.
11/06/2019	Motion by People 3. to exclude references to the impact of the ultimate verdict on defendant
11/06/2019	Motion granted.
11/06/2019	Oral motion by Defense to have a Faretta motion
11/06/2019	At 11:38 AM, court declared a recess.
11/06/2019	People's response to defendant's request of self-representation filed.
11/06/2019	Bailiff: P. Ophaso
11/06/2019	In open court at 01:43 PM
11/06/2019	As to the Faretta motion:
11/06/2019	Motion withdrawn.
11/06/2019	Motion by People 4. to preclude Defense from asking the jury to put themselves in the defendant's shoes or any similar arguments
11/06/2019	Motion granted.
11/06/2019	Motion by People 5. to request that any motions for a mistrial or allegations of prosecutorial misconduct be made outside the presence of the jury
11/06/2019	Motion granted.
11/06/2019	Motion by People 6. to exclude mention of defendant having medical conditions or any mental health issues without evidence
11/06/2019	Motion argued.
11/06/2019	Court defer ruling.
11/06/2019	Court and Counsel review jury selection and trial procedures.
11/06/2019	Jury Trial continued to 11/07/2019 at 08:30 AM in Department W17 by stipulation of all parties.
11/06/2019	Defendant ordered to appear.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
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Case : 18WM05278

Name : Gallian, Jamie Lynn

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Date of Action	Text
11/06/2019	Defendant is released on bail on the condition 1) Stay 100 yards away from 16025 Warmington Lane Huntington Beach, CA; 2.) Stay 100 yards away from victim and victim's daughter; 3) Stay away from Nancita Lane
11/06/2019	Present bail deemed sufficient and continued.
11/06/2019	Nunc Pro Tunc entry(s) made on this date for 11/04/2019.
11/07/2019	Hearing held on 11/07/2019 at 08:30:00 AM in Department W17 for Jury Trial.
11/07/2019	Judicial Officer: Thomas S. McConville, Judge
11/07/2019	Clerk: L. Y. Lee
11/07/2019	Bailiff: G. Avila
11/07/2019	Proceedings recorded electronically. The recording equipment is functioning normally, and all of the proceedings in open court between designated times of day will be recorded, except for such matters as were expressly directed to be "off the record" or as otherwise specified.
11/07/2019	People represented by Gerard Gully, Deputy District Attorney, present.
11/07/2019	Defendant present in Court with counsel Rick Vallejo, Alternate Defender.
11/07/2019	Again in open court at 09:00 AM. Defendant present with counsel. People duly represented. Jury is not present.
11/07/2019	Oral motion by People to admit exhibits 1 thru 3
11/07/2019	Defense request Court to wait before ruling. Court grants request.
11/07/2019	Court and counsel held discussion regarding any additional voir dire questions.
	Court and counsel held discussion regarding scheduling.
11/07/2019	At 09:04 AM, court declared a recess.
11/07/2019	In open court at 09:38 AM
11/07/2019	Prospective jurors are present and in their proper places.
11/07/2019	Roll call having been taken, prospective jurors were sworn for examination.
11/07/2019	Prospective juror(s) called by the clerk to fill the jury box.
11/07/2019	Court staff and parties introduced to prospective jurors.
11/07/2019	Court admonished prospective jurors as to their basic duties, function, and conduct.
11/07/2019	Court read Original Complaint to the prospective jurors and advised them of the defendant's plea of not guilty thereto.
11/07/2019	People read potential witness list.
11/07/2019	Court advises the prospective jurors of the jury selection process, the reasons and grounds to be excused for deferral/hardship and the time schedule for this trial
11/07/2019	Parties stipulate to excuse prospective jurors 121 and 114. Court excuses Prospective Jurors 121 and 114.
11/07/2019	Court gave preliminary instructions to prospective jurors.
11/07/2019	Voir Dire examination commenced.
11/07/2019	At 10:51 AM, Court admonishes prospective jurors and declares a recess.
11/07/2019	Again in open court at 11:15 AM, Defendant present with counsel. People duly represented. Prospective jurors present in their proper places.
11/07/2019	Voir Dire examination resumed.
11/07/2019	Bailiff: P. Bui
11/07/2019	At 11:48 AM, Court and Counsel confer at side bar with court monitor present.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

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Date of Action	Text
11/07/2019	Oral motion by Defense to excuse Prospective Juror 145
11/07/2019	Motion granted.
11/07/2019	Oral motion by Defense to excuse Prospective Juror 129
11/07/2019	Motion argued.
11/07/2019	Motion denied.
11/07/2019	Oral motion by People to excuse Prospective Juror 108
11/07/2019	Motion granted.
11/07/2019	In open court at 11:50 AM
11/07/2019	Court excused 2 prospective juror(s) for cause.
11/07/2019	Prospective Juror 133 stated that he has a doctor appointment next Tuesday for his wife. Parties stipulate to excuse Prospective Juror 133.
	Court excuses Prospective Juror 133.
11/07/2019	Peremptory challenge exercised by People Prospective Juror 113 excused.
11/07/2019	Peremptory challenge exercised by Defense Prospective Juror 112 excused.
11/07/2019	Peremptory challenge exercised by People Prospective Juror 117 excused.
11/07/2019	Peremptory challenge exercised by Defense Prospective Juror 126 excused.
11/07/2019	Prospective juror(s) called by the clerk to fill the jury box.
11/07/2019	At 11:58 AM, Court admonishes prospective jurors and declares a recess.
11/07/2019	Court remained in session. Proceedings held outside the presence and hearing of the jurors.
11/07/2019	Defense and Court held discussion regarding a "bail image" that briefly projected on screen to the prospective jurors.
11/07/2019	Again in open court at 01:41 PM, Defendant present with counsel. People duly represented. Prospective jurors present in their proper places.
11/07/2019	Voir Dire examination resumed.
11/07/2019	At 02:10 AM, Court and Counsel confer at side bar with court monitor present.
11/07/2019	Parties pass for Cause.
11/07/2019	People accepted the jury as presently constituted.
11/07/2019	Peremptory challenge exercised by Defense Prospective Juror 129 excused.
11/07/2019	People accepted the jury as presently constituted.
11/07/2019	Peremptory challenge exercised by Defense Prospective Juror 135 excused.
11/07/2019	People accepted the jury as presently constituted.
11/07/2019	Defense accepted the jury as presently constituted.
11/07/2019	Twelve jurors accepted and sworn.
11/07/2019	At 02:15 PM, Court and Counsel confer at side bar with court monitor present.
11/07/2019	Both sides accepts the alternate jurors.
11/07/2019	In open court at 02:16 PM
11/07/2019	12 Jurors and 2 Alternate Jurors were sworn by the clerk to hear this matter. Disposition of panel jurors is reported on the random list and included by reference.
11/07/2019	Court thanked and excused remaining prospective jurors to Jury Assembly Room.
11/07/2019	At 02:18 PM, court admonished jurors and declared a recess.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

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Date of Action	Text
11/07/2019	Court remained in session. Proceedings held outside the presence and hearing of the jurors.
11/07/2019	Court and Counsel held discussion regarding People's exhibits.
11/07/2019	Again in open court at 02:44 PM, Defendant present with counsel. People duly represented. Sworn jurors present in their proper places.
11/07/2019	The Court read the Instructions to the Jury.
11/07/2019	Parties stipulate that the jurors have been admonished.
11/07/2019	Opening statement by People given.
11/07/2019	Opening statement by Defense given.
11/07/2019	Witness, Janine Jasso, sworn and testified.
11/07/2019	Witness identified the defendant.
11/07/2019	Start of Exhibit List: for exhibit management purposes.
11/07/2019	People's Exhibit # 1 (Document(s))- multi- page document depicted a "WV-110 Temporary Restraining Order", filed on Dec 22, 2017 marked for identification.
11/07/2019	People's Exhibit # 1 received into evidence.
11/07/2019	People's Exhibit # 2 (Document(s))- multi-page document depicted as "WV-116 Order on Request to Continue Hearing", filed on Feb 14, 2018 marked for identification.
11/07/2019	People's Exhibit # 2 received into evidence.
11/07/2019	People's Exhibit # 3 (Document(s))- document depicted as a "Stipulation Civil harassment", filed on Feb 14, 2018 marked for identification.
11/07/2019	People's Exhibit # 3 received into evidence.
11/07/2019	Defense Exhibit # A (Miscellaneous)- document depicted as an areal map with "2018-004287" written on top right corner marked for identification.
11/07/2019	Defense Exhibit # A received into evidence.
11/07/2019	At 03:53 PM, Court and Counsel confer at side bar with court monitor present.
11/07/2019	Court and counsel held discussion that a potential witness Ms. Anderson entered the courtroom during testimony.
11/07/2019	In open court at 03:54 PM
11/07/2019	Court addressed audience that if they are potential witnesses they should leave the courtroom.
11/07/2019	Janine Jasso, previously sworn, resumes testimony.
11/07/2019	Witness excused.
11/07/2019	Witness, Lynne Anderson, sworn and testified.
11/07/2019	Witness identified the defendant.
11/07/2019	Witness excused.
11/07/2019	At 04:36 PM, Court admonished sworn jurors and declared a recess to reconvene on 11/12/2019 at 09:00 AM in Department W17 for Jury Trial.
11/07/2019	Defendant ordered to appear.
11/07/2019	Present bail deemed sufficient and continued.
11/07/2019	Defendant is released on bail on the condition 1) Stay 100 yards away from 16025 Warmington Lane Huntington Beach, CA; 2.) Stay 100 yards away from victim and victim's daughter; 3) Stay away from Nancita Lane (Entered NUNC_PRO_TUNC on 11/12/19)
11/12/2019	Hearing held on 11/12/2019 at 09:00:00 AM in Department W17 for Jury Trial.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

06/21/2022 13:41:26 PM

Date of Action	Text
11/12/2019	Judicial Officer: Thomas S. McConville, Judge
11/12/2019	Clerk: L. Y. Lee
11/12/2019	Bailiff: G. A. Moody
11/12/2019	Proceedings recorded electronically. The recording equipment is functioning normally, and all of the proceedings in open court between designated times of day will be recorded, except for such matters as were expressly directed to be "off the record" or as otherwise specified.
11/12/2019	People represented by Gerard Gully, Deputy District Attorney, present.
11/12/2019	Defendant not present in Court represented by Rick Vallejo, Alternate Defender.
11/12/2019	At 09:09 AM, Court and Counsel confer in chambers without court monitor present.
11/12/2019	In open court at 09:17 AM
11/12/2019	Defendant present in Court with counsel Rick Vallejo, Alternate Defender.
11/12/2019	Proceedings held outside the presence and hearing of the jurors.
11/12/2019	Court admonished defendant regarding her tardiness and attendance.
11/12/2019	Oral motion by People - any statement by the 7 year old is heresay
11/12/2019	Motion granted.
11/12/2019	Court advised defendant that she has the right to testify and to remain silent.
11/12/2019	Sworn jurors are present and in their proper places.
11/12/2019	Witness, Officer Richard Gonzalez, sworn and testified.
11/12/2019	Witness identified the defendant.
11/12/2019	People's Exhibit # 4 (Electronic Equipment)- Disc marked with "Call to defendant" written in black marked for identification.
11/12/2019	People's Exhibit # 4A (Document(s))- document depicted as a transcript titled "People v. Gallian - Call Transcript" marked for identification.
11/12/2019	People's Exhibits # 4 through 4A received into evidence.
11/12/2019	People's Exhibit # 4A Jury Trial received in error.
11/12/2019	At 09:31 AM, court declared a recess.
11/12/2019	Defendant and Counsel stepped outside courtroom for a brief discussion.
11/12/2019	In open court at 09:33 AM
11/12/2019	Officer Richard Gonzalez, previously sworn, resumes testimony.
11/12/2019	Witness excused.
11/12/2019	People rest(s)
11/12/2019	At 10:06 AM, court admonished jurors and declared a recess.
11/12/2019	Court remained in session. Proceedings held outside the presence and hearing of the jurors.
11/12/2019	Oral motion by Defense to dismiss counts 1 and 2 pursuant to PC 1118.1
11/12/2019	Motion argued.
11/12/2019	Defense motion pursuant to Penal Code 1118.1 denied.
11/12/2019	At 10:18 AM, court declared a recess.
11/12/2019	Again in open court at 10:24 AM. Defendant present with counsel. People duly represented. Jury is not present.
11/12/2019	Defendant states she will testify.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

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Case : 18WM05278

Name : Gallian, Jamie Lynn

06/21/2022 13:41:26 PM

Date of Action	Text
11/12/2019	Oral motion by Defense to consider caselaw Butler v. Superior Court and acquit defendant
11/12/2019	Court defer ruling.
11/12/2019	Sworn jurors are present and in their proper places.
11/12/2019	Witness, Jamie Gallian, sworn and testified.
11/12/2019	People's Exhibit # 6 (Document(s))- document depicted as a Minute Order dated "06/12/2018" marked for identification.
11/12/2019	People's Exhibit # 6 received into evidence.
11/12/2019	People's Exhibit # 5 (Electronic Equipment)- Disc - white color with a "People symbol" and "5" written in black marked for identification.
11/12/2019	People's Exhibit # 5A (Document(s))- document depicted as a transcript titled "People v. Gallian - Call #2 Transcript" marked for identification.
11/12/2019	People's Exhibits # 5 through 5A received into evidence.
11/12/2019	People's Exhibit # 5A Jury Trial received in error.
11/12/2019	Witness excused.
11/12/2019	At 11:42 AM, court admonished jurors and declared a recess.
11/12/2019	Court remained in session. Proceedings held outside the presence and hearing of the jurors.
11/12/2019	Defense rests upon marking and admitting Defense exhibit B.
11/12/2019	Oral motion by Defense to ask the people that are in the courtroom to leave during jury instruction review because they are board members of the HOA
11/12/2019	Motion argued.
11/12/2019	Motion denied.
11/12/2019	Oral motion by Defense to mark and enter Defense exhibit B
11/12/2019	Motion granted.
11/12/2019	Defense Exhibit # B (Document(s))- multi-page document depicted as a "Reporter's Transcript Of Proceedings" dated "March 2, 2018" marked for identification.
11/12/2019	Defense Exhibit # B received into evidence.
11/12/2019	Court and Counsel review jury instructions with court monitor present.
11/12/2019	Court and Counsel held argument regarding Jury Instructions 361, 2700, 2701, 3406 and 3407.
11/12/2019	Again in open court at 01:40 PM. Defendant present with counsel. People duly represented. Jury is not present.
11/12/2019	As to Defense earlier motion to acquit defendant, motion denied.
	Supplemental argument held.
	Court's ruling remains.
11/12/2019	As to Jury Instructions 3406 and 3407, argument held. Court rules to remove Jury Instruction 3406 and 3407.
11/12/2019	Defense rests.
11/12/2019	People has no rebuttle.
11/12/2019	At 01:50 PM, court declared a recess.
11/12/2019	Again in open court at 02:00 PM, Defendant present with counsel. People duly represented. Sworn jurors present in their proper places.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

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Date of Action	Text
11/12/2019	The Court read the Instructions to the Jury.
11/12/2019	Closing argument presented on behalf of the People.
11/12/2019	Closing argument presented on behalf of the Defense.
11/12/2019	Rebuttal argument presented on behalf of the People.
11/12/2019	Court read final Jury Instructions to the Jurors.
11/12/2019	At 03:11 PM, the Jury retired to the jury room to deliberate in charge of Deputy G. A. Moody duly sworn for that purpose.
11/12/2019	Counsel stipulates that the alternate juror(s) may go home or to work. The Court admonishes the alternate juror(s) and releases them subject to their remaining in telephone contact with the bailiff for the duration of the jury's deliberation.
11/12/2019	Court admonishes alternate juror(s) and pursuant to stipulation of counsel releases the alternate(s) on one hour call.
11/12/2019	At 03:15 PM, Court and Counsel confer at side bar without court monitor present.
11/12/2019	Court and Counsel discuss jury instruction amendments.
11/12/2019	At 03:20 PM, court declared a recess.
11/12/2019	Again in open court at 03:31 AM. Defendant present with counsel. People duly represented. Jury is not present.
11/12/2019	Parties stipulate to the Verdict forms, Exhibits, and Court device to be sent to the deliberating room.
	Parties stipulate that they waive their presence during any playback unless something else requires their presence.
11/12/2019	Defendant waives presence for any jury questions tomorrow and is ordered to be within 30 minutes.
11/12/2019	Parties stipulate that they do not have to be present when jurors are released for breaks or adjournment for the day.
11/12/2019	At 04:31 PM, the jurors left the jury room for the evening recess, to return 11/13/2019 at 09:00 AM in Department W17 to resume deliberations.
11/12/2019	Present bail deemed sufficient and continued.
11/12/2019	Defendant is released on bail on the condition 1) Stay 100 yards away from 16025 Warmington Lane Huntington Beach, CA; 2.) Stay 100 yards away from victim and victim's daughter; 3) Stay away from Nancita Lane
11/12/2019	Nunc Pro Tunc entry(s) made on this date for 11/07/2019.
11/13/2019	Hearing held on 11/13/2019 at 09:00:00 AM in Department W17 for Jury Trial.
11/13/2019	Judicial Officer: Thomas S. McConville, Judge
11/13/2019	Clerk: L. Y. Lee
11/13/2019	Bailiff: G. Avila
11/13/2019	Oath to Bailiff to take charge of Jury given to Deputy G. Avila.
11/13/2019	Proceedings recorded electronically. The recording equipment is functioning normally, and all of the proceedings in open court between designated times of day will be recorded, except for such matters as were expressly directed to be "off the record" or as otherwise specified.
11/13/2019	People represented by Gerard Gully, Deputy District Attorney, present.
11/13/2019	Defendant present in Court with counsel Rick Vallejo, Alternate Defender.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

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Date of Action	Text
11/13/2019	At 09:05 AM, jurors returned to the jury room to resume deliberations.
11/13/2019	Again in open court at 10:30 AM. Defendant present with counsel. People duly represented. Jury is not present.
11/13/2019	Court informed parties that a verdict had been reached.
11/13/2019	Sworn jurors are present and in their proper places.
11/13/2019	VERDICT: We the jury in the above entitled action find the defendant GUILTY as to count 1 as charged in the Original Complaint. Juror # 124, Foreperson. Verdict read, filed, and incorporated herein by reference.
11/13/2019	VERDICT: We the jury in the above entitled action find the defendant GUILTY as to count 2 as charged in the Original Complaint. Juror # 124, Foreperson. Verdict read, filed, and incorporated herein by reference.
11/13/2019	Court thanked and excused the Jury.
11/13/2019	Pursuant to Code of Civil Procedure 237(a)(2), all juror identifying information ordered sealed and filed.
11/13/2019	Actual days of trial: 3 days.
11/13/2019	Packet of unfiled documents containing confidential juror information is filed and sealed pursuant to Code of Civil Procedure 237(a)(2).
11/13/2019	Jury Instructions Given filed.
11/13/2019	Redacted Verdict Forms filed.
11/13/2019	Alternate juror(s) notified by telephone and excused.
11/13/2019	End of Exhibit List: for exhibit management purposes. (Entered NUNC_PRO_TUNC on 12/18/19)
11/13/2019	Defendant waives statutory time for Sentencing.
11/13/2019	Sentencing set on 12/12/2019 at 08:30 AM in Department W17.
11/13/2019	Defendant ordered to appear.
11/13/2019	Present bail deemed sufficient and continued.
11/13/2019	Defendant is released on bail on the condition 1) Stay 100 yards away from 16025 Warmington Lane Huntington Beach, CA; 2.) Stay 100 yards away from victim and victim's daughter; 3) Stay away from Nancita Lane
11/26/2019	People's Sentencing Brief Sentencing Set for 12-12-19 filed.
11/26/2019	Proof of Service filed.
12/12/2019	Hearing held on 12/12/2019 at 08:30:00 AM in Department W17 for Sentencing.
12/12/2019	Judicial Officer: Thomas S. McConville, Judge
12/12/2019	Clerk: L. Y. Lee
12/12/2019	Bailiff: G. Avila
12/12/2019	Proceedings recorded electronically. The recording equipment is functioning normally, and all of the proceedings in open court between designated times of day will be recorded, except for such matters as were expressly directed to be "off the record" or as otherwise specified.
12/12/2019	People represented by Gerard Gully, Deputy District Attorney, present.
12/12/2019	Defendant present in Court with counsel Rick Vallejo, Alternate Defender.
12/12/2019	Notice of motion and motion for new trial; motion to set aside verdict; points and authorities in support thereof filed.
12/12/2019	Court read and considered Motion for new trial; motion to set aside verdict.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

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Date of Action	Text
12/12/2019	Motion denied.
12/12/2019	Oral motion by Defense to stay sentencing due to appeal
12/12/2019	Victim Impact Statement filed.
12/12/2019	Oral motion by Defense if defendant can serve Community Service in lieu of Caltrans
12/12/2019	Motion argued.
12/12/2019	Robert McLelland, friend of defendant present.
12/12/2019	Robert McLelland made a statement to Court in behalf of the defendant.
12/12/2019	Defendant made a statement to Court.
12/12/2019	Debbie Boyle, member of Gables Community present.
12/12/2019	Debbie Boyle made a statement to Court.
12/12/2019	Defendant waives statutory time for Sentencing.
12/12/2019	No legal cause why judgment should not be pronounced and defendant having Found Guilty by Jury to count(s) 1, 2, Imposition of sentence is suspended and defendant is placed on 3 Year(s) INFORMAL PROBATION on the following terms and conditions:
12/12/2019	Violate no law.
12/12/2019	Obeys all orders, rules, and regulations, and directives of the Court and Jail.
12/12/2019	Submit your person and property including any residence, premises, container, or vehicle under your control, including electronic devices, to search and seizure at any time of the day or night by any law enforcement officer, probation officer, or mandatory supervision officer with or without a warrant, probable cause or reasonable suspicion.
12/12/2019	Do not own, purchase, receive, possess, or have under your custody or control any type of dangerous or deadly weapon, firearm, ammunition, and ammunition feeding devices, including but not limited to magazines.
12/12/2019	Defendant advised that defendant is prohibited from owning, purchasing, receiving, possessing, or having under their custody or control, any firearms, ammunition, and ammunition feeding devices, including but not limited to magazines. Any firearms currently in possession are ordered to be relinquished pursuant to Penal Code 29810. The "Prohibited Persons Relinquishment Form" and supplemental documents provided to defendant.
12/12/2019	Case assigned to Probation Department for preparation of Firearms Relinquishment Probation Report. Defendant ordered to comply with Firearms Relinquishment pursuant to Penal Code 29810, by submitting a completed Prohibited Persons Relinquishment Form to the Probation Department.
12/12/2019	Hearing re: Firearms Relinquishment set on 12/26/2019 at 08:30 AM in Department W3.
12/12/2019	Use true name and date of birth only at all times.
12/12/2019	Disclose terms and conditions of probation when asked by any law enforcement or probation officer.
12/12/2019	Pay mandatory state restitution fine of \$150.00 pursuant to Penal Code 1202.4 or Penal Code 1202.4(b).
12/12/2019	Pay \$150.00 Probation Revocation Restitution Fine pursuant to Penal Code 1202.44. Restitution fine stayed, to become effective only upon revocation of probation.
12/12/2019	Pay \$40.00 Court Operations Fee per convicted count pursuant to Penal Code 1465.8.
12/12/2019	Pay Criminal Conviction Assessment Fee per convicted count of \$30.00 per misdemeanor/felony and \$35.00 per infraction pursuant to Government Code 70373(a)(1).

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Case : 18WM05278

Name : Gallian, Jamie Lynn

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Date of Action	Text
12/12/2019	Defendant ordered to report to the West Collections Department forthwith. Defendant ordered to cooperate with and pay as directed by the Collections Department.
12/12/2019	Serve 30 Day(s) Orange County Jail as to count(s) 1, 2.
12/12/2019	Credit for time served: 1 actual, 1 conduct, totaling 2 days pursuant to Day-for-day.
12/12/2019	Court granted a jail stay to 1/31/20. Later in the AM, Defense Attorney requested advanced date. Request granted.
12/12/2019	30 days Jail as to count(s) 1, 2 imposed on 12/12/2019 stayed until 12/16/2019 at 07:00 PM Orange County Jail. Defendant to report as ordered.
12/12/2019	Oral motion by Defense for home monitoring
12/12/2019	Motion denied.
12/12/2019	Pay restitution in the amount as determined by Victim Witness as to count(s) 1, 2 plus 10% interest from date of loss per year and administrative fees.
12/12/2019	Defendant ordered to report to Victim Witness office forthwith.
12/12/2019	Complete and return Statement of Assets form as to count(s) 1, 2 to court by 12/12/2019.
12/12/2019	Completed Statement of Assets form filed as to count(s) 1, 2.
12/12/2019	Defendant is required to complete a new financial disclosure form if money is still owing on a restitution order or fine 120 days before the scheduled release from probation. Defendant is required to file the form with the court at least 90 days before the scheduled release from probation.
12/12/2019	Do not have any contact with the victim(s) directly, indirectly, or through a third party except an attorney of record.
12/12/2019	No contact with Janine Jasso and Arielle Jasso, victims.
12/12/2019	Stay 100 yards away from 16025 Warmington Lane, Huntington Beach, CA
12/12/2019	Court grants booking fees paid to Orange County Sheriff Department \$235.00.
12/12/2019	Request for Booking Fees filed.
12/12/2019	Protective Order dated 08/07/2019 is ordered terminated. (Entered NUNC_PRO_TUNC on 05/26/20)
12/12/2019	Defendant accepts terms and conditions of probation.
12/12/2019	Defendant advised of right to appeal.
12/12/2019	Defendant ordered to report to Collections Department, Victim Witness Office forthwith.
12/12/2019	Present bail deemed sufficient and continued.
12/12/2019	Court orders bond to remain until Defendant reports to Jail on 12/16/19.
12/12/2019	Original Copy of Prohibited Persons Relinquishment Form forwarded to Probation Department
12/12/2019	Later same day:
12/12/2019	Defendant not present in Court represented by Rick Vallejo, Alternate Defender.
12/12/2019	Oral motion by Defense to change jail stay date back to 1/31/20. Motion granted
12/12/2019	Probation on count(s) 1, 2 modified as follows:
12/12/2019	30 days Jail as to count(s) 1, 2 further stayed to 01/31/2020 at 07:00 PM. This modifies the commitment dated 12/16/2019. Defendant to report to Orange County Jail as ordered.
12/12/2019	All other terms and conditions of probation are to remain the same.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

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Date of Action	Text
12/12/2019	Court orders bond to remain until Defendant reports to Jail on 1/31/20. (Entered NUNC_PRO_TUNC on 12/16/19)
12/12/2019	Notice to Sheriff issued.
12/12/2019	Remittance from receipt # 17387340 received in the amount of \$ 290.00.
12/12/2019	DOJ Initial Abstract sent.
12/12/2019	Probation Order printed.
12/13/2019	Sentencing re: Modification set on 12/20/2019 at 08:30 AM in Department W3.
12/13/2019	Defendant requesting to address Jail Stay
12/13/2019	Notice to defendant issued.
12/13/2019	NOTICE OF APPEAL RECEIVED AND FILED.
12/13/2019	Request for Court Appointed Lawyer in Misdemeanor Appeal filed.
12/13/2019	Notice Regarding Record of Oral Proceedings filed.
12/16/2019	Nunc Pro Tunc entry(s) made on this date for 12/12/2019.
12/16/2019	Respondent: District Attorney, Appellant: Jamie Lynn Gallian, Judicial Officer: Judge Thomas S. McConville and the appellate division clerk notified of the filing of the Notice of Appeal.
12/17/2019	Notice to Prepare Transcript of Oral Proceedings forwarded to Court Reporter Services.
12/18/2019	Collections Referral activity deleted from case.
12/18/2019	Forthwith case assigned to Collections.
12/18/2019	Nunc Pro Tunc entry(s) made on this date for 11/13/2019.
12/20/2019	Hearing held on 12/20/2019 at 08:30:00 AM in Department W3 for Sentencing Modification.
12/20/2019	Judicial Officer: Thomas S. McConville, Judge
12/20/2019	Clerk: L. Y. Lee
12/20/2019	Bailiff: A. Cleveland
12/20/2019	District Attorney not present in Court.
12/20/2019	Defendant present in Court with counsel Rick Vallejo, Alternate Defender.
12/20/2019	Oral motion by Defense to serve 30 days jail as home confinement
12/20/2019	Motion denied.
12/20/2019	Oral motion by Defense for a jail stay
12/20/2019	Motion granted.
12/20/2019	Oral motion by Defense to be allowed Work Release
12/20/2019	Motion granted.
12/20/2019	Probation on count(s) 1, 2 modified as follows:
12/20/2019	30 days Jail as to count(s) 1, 2 further stayed to 04/01/2020 at 07:00 PM. This modifies the commitment dated 01/31/2020. Defendant to report to Orange County Jail as ordered.
12/20/2019	Credit for time served: 1 actual, 1 conduct, totaling 2 days pursuant to Day-for-day. (Entered NUNC_PRO_TUNC on 12/23/19)
12/20/2019	Court allows Work release.
12/20/2019	Defendant currently is not in custody.
12/20/2019	All other terms and conditions of probation are to remain the same.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

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Case : 18WM05278

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Date of Action	Text
12/20/2019	Present bail deemed sufficient and continued.
12/20/2019	Court orders bond to remain until Defendant reports to Jail on 4/01/20
12/20/2019	Notice to Sheriff issued.
12/20/2019	Later same day:
12/20/2019	Defendant present in Court without counsel.
12/20/2019	Court and Defendant held discussion regarding "Domestic Violence" being reflected on Court "CIS Sheet". Court states aware that this case IS NOT "Domestic Violence".
12/20/2019	Domestic Violence qualifier was removed from the case. (Entered NUNC_PRO_TUNC on 12/23/19)
12/20/2019	Calendar Line for HRG FRL transferred from W3 on 12/26/2019 at 08:30 AM to W4 on 12/26/2019 at 08:30 AM.
12/20/2019	Notice to Sheriff reprinted. (Entered NUNC_PRO_TUNC on 12/23/19)
12/20/2019	DOJ Subsequent Abstract - 42 sent.
12/20/2019	Receipt for Records and Papers from Appellate Division filed. Assignment of Appellate Division case number 30-2019-01119765.
12/23/2019	Prohibited Persons Relinquishment Form Probation Officers Non-Compliance Report, received and filed.
12/23/2019	Prohibited Persons Relinquishment Form Probation Officers Report - Supporting Documents, received and filed.
12/23/2019	Nunc Pro Tunc entry(s) made on this date for 12/20/2019.
12/23/2019	Nunc Pro Tunc entry(s) made on this date for 12/20/2019.
12/23/2019	Nunc Pro Tunc entry(s) made on this date for 12/20/2019 12:00:00 AM.
12/23/2019	Hearing held on 12/23/2019 at 04:30 PM in Department W4 for Chambers Work.
12/23/2019	Judicial Officer: Jennifer M Contini, Commissioner
12/23/2019	Clerk: K. Rodriguez
12/23/2019	No appearance by parties.
12/23/2019	The court has reviewed the Prohibited Persons Relinquishment Form Probation Officers Report and rules as follows:
12/23/2019	Defendant has not complied with the relinquishment requirements of Penal Code 29810.
12/23/2019	Prohibited Persons Relinquishment Form Findings, signed and filed.
12/23/2019	Hearing re: Firearms Relinquishment vacated for 12/26/2019 at 08:30 AM in W4.
12/24/2019	Exhibit List of People filed.
12/24/2019	Exhibit List of Defense filed.
12/24/2019	Prohibited Persons Relinquishment Form Probation Officers Compliance Report, received and filed.
12/24/2019	Prohibited Persons Relinquishment Form, received and filed.
12/24/2019	Prohibited Persons Relinquishment Form Probation Officers Report - Supporting Documents, received and filed.
01/03/2020	Petition for Arraignment on Probation Violation received.
01/06/2020	Petition for Arraignment on Probation Violation filed.
01/08/2020	Case referred to W3 for review.
01/08/2020	Minute Order from the Appellate Division dated 01/03/2020 filed.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

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Date of Action	Text
01/08/2020	Court appointed counsel granted.
01/15/2020	Ms. Jamie Gallian picked up the Electronic Recording of 8/7/2019.
01/15/2020	Sentencing re: Modification set on 01/22/2020 at 08:30 AM in Department W3.
01/15/2020	Defendant requesting to address Stay Away order
01/15/2020	Notice to defendant issued.
01/21/2020	Minute Order from the Appellate Division dated 01/17/2020 filed.
01/21/2020	The Public Defender is relieved as counsel for appellant on this appeal. The court appoints Elisabeth A. Bowman to represent appellant on this appeal.
01/22/2020	Calendar Line for SENT MOD transferred from W3 on 01/22/2020 at 08:30 AM to W15 on 01/22/2020 at 08:30 AM.
01/22/2020	Hearing held on 01/22/2020 at 08:30:00 AM in Department W15 for Sentencing Modification.
01/22/2020	Judicial Officer: Robert Gannon, Judge
01/22/2020	Clerk: J. Rosales
01/22/2020	Bailiff: O. Didio, SSO
01/22/2020	People represented by Gerard Gully, Deputy District Attorney, present.
01/22/2020	Defendant not present in Court represented by Benjamin Russell, Retained Attorney.
01/22/2020	Defendant's appearance is waived pursuant to Penal Code 977(a).
01/22/2020	Proceedings recorded electronically. The recording equipment is functioning normally, and all of the proceedings in open court between designated times of day will be recorded, except for such matters as were expressly directed to be "off the record" or as otherwise specified.
01/22/2020	"The Orange County District Attorney's Office filed criminal charges in a case against an individual name who is accused of Threatening and Attempting to Threaten Public Officers. A total of 77 Judges and Commissioners in Orange County are alleged as victims of the alleged threats, including Judge Gannon. The entire Orange County Bench is recused, and the case is being handled in the San Diego County Court. Judge Gannon does not believe this case will affect in any way his hearing and deciding any matters."
01/22/2020	Oral motion by Defense requesting to continue the sentence modification
01/22/2020	Motion granted.
01/22/2020	Probation ordered revoked as to count(s) 1, 2 based on the following: Petition for Arraignment on Probation Violation.
01/22/2020	Probation Violation re: Arraignment set on 01/27/2020 at 08:30 AM in Department W3.
01/22/2020	Sentencing re: Modification continued to 01/27/2020 at 08:30 AM in Department W3 at request of Defense.
01/22/2020	Defendant enters general time waiver.
01/22/2020	Defendant ordered to appear.
01/22/2020	Present bail deemed sufficient and continued.
01/27/2020	Calendar Line for PV ARR transferred from W3 on 01/27/2020 at 08:30 AM to W18 on 01/27/2020 at 08:30 AM.
01/27/2020	Calendar Line for SENT MOD transferred from W3 on 01/27/2020 at 08:30 AM to W18 on 01/27/2020 at 08:30 AM.
01/27/2020	Hearing held on 01/27/2020 at 08:30 AM in Department W18 for Probation Violation Arraignment.

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Date of Action	Text
01/27/2020	Hearing held on 01/27/2020 at 08:30:00 AM in Department W18 for Sentencing Modification.
01/27/2020	Judicial Officer: Kevin Haskins, Judge
01/27/2020	Clerk: R. Nagle
01/27/2020	Bailiff: J. Palacios
01/27/2020	Proceedings recorded electronically. The recording equipment is functioning normally, and all of the proceedings in open court between designated times of day will be recorded, except for such matters as were expressly directed to be "off the record" or as otherwise specified.
01/27/2020	All parties orally notified of the Court's disqualification disclosure pursuant to Canon 3E(2) of the California Code of Judicial Ethics.
01/27/2020	People represented by Gerard Gully, Deputy District Attorney, present.
01/27/2020	John Marshall Kremer makes a special appearance for Benjamin Russell, Alternate Defender. Defendant present.
01/27/2020	Petition filed 1-6-20 is included as the allegation(s) for this violation.
01/27/2020	Court read and considered Petition filed 1-6-20.
01/27/2020	Oral motion by Defense to modify stay away order
01/27/2020	Motion argued.
01/27/2020	Probation Violation re: Formal Hearing set on 02/07/2020 at 08:30 AM in Department W3.
01/27/2020	Defendant ordered to appear.
01/27/2020	Court orders bail bond # CC50-01386964 exonerated.
01/27/2020	Court orders bail set in the amount of \$250, 000.00.
01/27/2020	Defendant taken into custody.
01/27/2020	Defendant remanded to the custody of the Sheriff.
01/27/2020	Notice to Sheriff issued.
01/27/2020	Minutes entered by C. Pinci on 01/27/2020.
01/27/2020	In open court at 09:40 AM
01/27/2020	People represented by Gerard Gully, Deputy District Attorney, present.
01/27/2020	Defendant not present in Court represented by Mitchell Timbanard, Alternate Defender.
01/27/2020	Deputy Alternate Defender relieved as Counsel of Record.
01/27/2020	Defendant not present in Court represented by John Marshall Kremer, Retained Attorney.
01/27/2020	Probation Violation re: Formal Hearing for 02/07/2020 at 08:30 AM in W3 to remain.
01/27/2020	Minutes entered by C. Pinci on 01/27/2020.
01/28/2020	Bail Bond Number CC250-01419294 posted in the amount of \$250000.00 by RI111411 of CONT.
01/28/2020	Bail Bond posted per Sheriff Bail Bond report. Bond to be filed when received.
01/28/2020	Appearance date on Bond/Cash Bail receipt is 02/07/2020.
01/28/2020	Request for Booking Fees Received from Orange County Sheriff's Department in the amount of \$235.00, date of arrest 1/27/2020 received, not filed.
01/29/2020	Surety Bond # CC250-01419294 filed.
01/29/2020	OCJ S4107103 filed.

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Date of Action	Text
01/29/2020	Appearance date on Bond/Cash Bail receipt is 02/07/2020.
01/31/2020	Request for Copy of Electronic Recording received, not filed.
02/06/2020	At the request of Defense Counsel, case calendared on 02/06/20 at 08:30 AM in W4 for HRG.
02/06/2020	Hearing held on 02/06/2020 at 08:30:00 AM in Department W4 for Hearing.
02/06/2020	Judicial Officer: Stephanie George, Judge
02/06/2020	Clerk: L. Sanchez
02/06/2020	Bailiff: M. Borgen
02/06/2020	Proceedings recorded electronically. The recording equipment is functioning normally, and all of the proceedings in open court between designated times of day will be recorded, except for such matters as were expressly directed to be "off the record" or as otherwise specified.
02/06/2020	People represented by Lance Cotton, Deputy District Attorney, present.
02/06/2020	Defendant present in Court with counsel John Marshall Kremer, Retained Attorney.
02/06/2020	Pursuant to the California Code of Judicial Ethics, Canon 3, subsection E(2), Court Disclosure regarding the criminal case filed in the People of the State of California v. Isaac Jones, case number 19CF0869 given by Stephanie George, Judge in court.
02/06/2020	Case advanced on calendar to this date. Probation Violation re: Formal Hearing on 02/07/2020 at 08:30 AM in W3 is vacated.
02/06/2020	Defendant denies violation of probation as to count(s) 1, 2.
02/06/2020	Probation Violation re: Formal Hearing set on 02/26/2020 at 08:30 AM in Department W18.
02/06/2020	Defendant waives statutory time for Hearing.
02/06/2020	Defendant ordered to appear.
02/06/2020	Present bail deemed sufficient and continued.
02/06/2020	Keep with companion cases(s) 20WM01978.
02/19/2020	Request for Copy of Electronic Recording received, not filed.
02/19/2020	Pay FEE of \$10.00 Electronic Recording Monitor Fee pursuant to GC 26831.
02/19/2020	Remittance from receipt # 17522372 received in the amount of \$ 10.00.
02/19/2020	Petition for Modification of Protective Order in Criminal Proceedings filed.
02/19/2020	Supporting documents filed with defendant's Petition for Modification of Protective Order filed.
02/19/2020	Hearing re: Protective Order Modification set on 02/26/2020 at 08:30 AM in Department W18.
02/19/2020	The defendant is required to bring a current progress report from a court-ordered treatment program if currently enrolled.
02/19/2020	West Notice of Hearing printed.
02/19/2020	Copy of West Notice of Hearing mailed to Victims listed on protective order
02/26/2020	Hearing held on 02/26/2020 at 08:30:00 AM in Department W18 for Hearing POM.
02/26/2020	Hearing held on 02/26/2020 at 08:30:00 AM in Department W18 for Probation Violation Formal Hearing.
02/26/2020	Judicial Officer: Terri K Flynn-Peister, Judge
02/26/2020	Clerk: R. Nagle
02/26/2020	Bailiff: J. Palacios

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

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Date of Action	Text
02/26/2020	Proceedings recorded electronically. The recording equipment is functioning normally, and all of the proceedings in open court between designated times of day will be recorded, except for such matters as were expressly directed to be "off the record" or as otherwise specified.
02/26/2020	People represented by Gerard Gully, Deputy District Attorney, present.
02/26/2020	Defendant present in Court with counsel John Marshall Kremer, Retained Attorney.
02/26/2020	All parties orally notified of the Court's disqualification disclosure pursuant to Canon 3E(2) of the California Code of Judicial Ethics.
02/26/2020	Argument heard as to protective order being valid.
02/26/2020	Court finds the protective order is valid.
02/26/2020	In open court at 11:25 AM
02/26/2020	People represented by Gerard Gully, Deputy District Attorney, present.
02/26/2020	Defendant present in Court with counsel John Marshall Kremer, Retained Attorney.
02/26/2020	Oral motion by Defense for counsel Mr. Kremer to be relieved on this case
02/26/2020	Motion granted.
02/26/2020	John Marshall Kremer relieved as Counsel of Record.
02/26/2020	Court appoints Alternate Defender to represent Defendant.
02/26/2020	Benjamin Russell makes a special appearance for Dominic Rossetti, Alternate Defender. Defendant present.
02/26/2020	Defense request probation violation be set for a Disposition and Reset. People request the Formal Hearing to Remain.
02/26/2020	Probation Violation re: Disposition and Reset set on 03/17/2020 at 08:30 AM in Department W18.
02/26/2020	Hearing re: Protective Order Modification continued to 03/17/2020 at 08:30 AM in Department W18 at request of Defense.
02/26/2020	Defendant ordered to appear.
02/26/2020	Present bail deemed sufficient and continued.
02/26/2020	Keep with companion cases(s) 20WM01978.
02/27/2020	At the request of Defense Counsel, case calendared on 02/27/20 at 08:30 AM in W4 for PV DR.
02/27/2020	Hearing held on 02/27/2020 at 08:30:00 AM in Department W4 for Probation Violation Disposition and Reset.
02/27/2020	Judicial Officer: Jennifer M Contini, Commissioner
02/27/2020	Clerk: K. Rodriguez
02/27/2020	Bailiff: D. J. DeLeon, SSO
02/27/2020	Proceedings recorded electronically. The recording equipment is functioning normally, and all of the proceedings in open court between designated times of day will be recorded, except for such matters as were expressly directed to be "off the record" or as otherwise specified.
02/27/2020	People represented by Gerard Gully, Deputy District Attorney, present.
02/27/2020	Defendant present in Court with counsel Dominic Rossetti, Alternate Defender.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
MINUTES

Case : 18WM05278

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Date of Action	Text
02/27/2020	<p>Parties advised Canon 3E(2) of the California Code of Judicial Ethics states:</p> <p>In all trial court proceedings, a judge shall disclose on the record information that is reasonably relevant to the question of disqualification under Code of Civil Procedure section 170.1, even if the judge believes there is no actual basis for disqualification.</p> <p>Although Commissioner Contini firmly believes she can and will be impartial in this matter, to comply with this requirement, the Court discloses the following:</p> <ol style="list-style-type: none">1. Before taking the bench, Commissioner Contini worked as a prosecutor in the Orange County District Attorney's Office from April 1997 to June 2019.2. Commissioner Contini's job title was "Assistant District Attorney" at the time she left the Orange County District Attorney's Office.3. At the time Commissioner Contini left the Orange County District Attorney's Office, she supervised the Science and Technology Unit which managed OCDA DNA Database operations and worked with the Public Defender's Office to develop the Body Worn Camera protective order. <p>To further comply with this requirement, the Court requests all counsel to examine their case files to disclose whether Commissioner Contini had any contact with the case while employed as a prosecutor with the Orange County District Attorney's Office. Such contact could include, but is not limited to, the filing of the case, the review of a search warrant associated with the case, the review and presentation of a wiretap application associated with the case, appearances on the case, and appearances on any cases alleged as prior convictions.</p>
02/27/2020	Request for Continuance - Misdemeanor filed.
02/27/2020	Correspondence from Jamie Gallian filed.
02/27/2020	Probation Violation re: Disposition and Reset vacated for 03/17/2020 at 08:30 AM in W18.
02/27/2020	Probation Violation re: Disposition and Reset continued to 03/17/2020 at 08:30 AM in Department W4 at request of Defense.
02/27/2020	Set by Court.
02/27/2020	Hearing re: Protective Order Modification for 03/17/2020 at 08:30 AM in W18 to remain.
02/27/2020	Oral motion by Defense to authorize defendant to travel out of the state and country
02/27/2020	No objection by the People to dates listed on itinerary provided by Defendant.
02/27/2020	Motion granted.
02/27/2020	Court authorizes defendant to travel out of the state from 03/05/2020 thru 03/07/2020.
02/27/2020	Present bail deemed sufficient and continued.
02/27/2020	Keep with companion cases(s) 20WM01978.
03/04/2020	Receipt for records and papers on Record on Appeal prepared and forwarded to Superior Court Appellate Division, as listed on receipt.
03/04/2020	Record on Appeal mailed to Appellant and Respondent.
03/12/2020	Receipt for Records filed.
03/13/2020	Calendar Line for PV DR transferred from W4 on 03/17/2020 at 08:30 AM to W18 on 03/17/2020 at 08:30 AM.
03/18/2020	Hearing held on 03/18/2020 at 04:00 PM in Department W16 for Chambers Work.
03/18/2020	Judicial Officer: Kevin Haskins, Judge

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

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Date of Action	Text
03/18/2020	Clerk: D. Phillips
03/18/2020	No appearance by parties.
03/18/2020	Pursuant to the provisions of Section 68115 of the Government Code and due to building closure, the Court makes a finding of good cause and orders this case to be continued for Hearing re: Protective Order Modification from 03/17/2020 to 05/18/2020 at 08:30 AM in Department W18.
03/18/2020	Pursuant to the provisions of Section 68115 of the Government Code and due to building closure, the Court makes a finding of good cause and orders this case to be continued for Probation Violation re: Disposition and Reset from 03/17/2020 to 05/18/2020 at 08:30 AM in Department W18.
03/18/2020	Defendant and Counsel ordered to personally appear.
03/18/2020	Case Processing directed to send notice to defendant/attorney.
03/18/2020	Present bail deemed sufficient and continued.
03/18/2020	Defense Attorney Notice printed.
03/18/2020	Notice to Defendant printed.
03/18/2020	Minutes entered by D. Phillips on 03/20/2020.
03/19/2020	At the request of Defense Counsel, case calendared on 03/19/20 at 08:30 AM in C57 for HRG.
03/19/2020	Pursuant to the provisions of Section 68115 of the Government Code and due to building closure, the Court makes a finding of good cause and orders this case to be continued for HRG to 03/19/2020 at 08:30 AM in Department C51.
03/19/2020	Hearing held on 03/19/2020 at 08:30:00 AM in Department C51 for Hearing.
03/19/2020	Judicial Officer: Kathleen Roberts, Judge
03/19/2020	Clerk: E. Figueroa
03/19/2020	Bailiff: A. M. Hakim
03/19/2020	People represented by David P Chen, Deputy District Attorney, present.
03/19/2020	Defendant not present in Court represented by Derek Bercher, Public Defender.
03/19/2020	Defendant's presence is waived.
03/19/2020	Oral motion by Defense to continue jail surrender date of 4/1/20
03/19/2020	Motion granted.
03/19/2020	Request for Continuance - Misdemeanor filed.
03/19/2020	Brief regarding bail pending appeal filed.
03/19/2020	30 days Jail as to count(s) 1, 2 further stayed to 10/01/2020 at 07:00 PM. This modifies the commitment dated 04/01/2020. Defendant to report to Orange County Jail as ordered.
03/19/2020	Credit for time served: 1 actual, 1 conduct, totaling 2 days pursuant to Day-for-day, (Entered NUNC_PRO_TUNC on 05/07/20)
03/19/2020	Notice to Sheriff issued.
03/19/2020	Probation Violation re: Disposition and Reset set on 08/10/2020 at 08:30 AM in Department W18.
03/19/2020	Address Petition
03/19/2020	Defendant ordered to appear.
03/19/2020	Present bail deemed sufficient and continued.
03/19/2020	Case Processing directed to send notice of hearing to all parties.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

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Date of Action	Text
03/19/2020	Notice to Sheriff issued. (Entered NUNC_PRO_TUNC on 05/07/20)
05/07/2020	Nunc Pro Tunc entry(s) made on this date for 03/19/2020.
05/20/2020	COVID-19 Misdemeanor Action Request filed.
05/26/2020	Hearing held on 05/26/2020 at 09:00:00 AM in Department W17 for Chambers Work.
05/26/2020	Judicial Officer: Thomas S. McConville, Judge
05/26/2020	Clerk: L. Y. Lee
05/26/2020	At 2:15 PM, Court, Stephanie Henderson, Deputy District Attorney and Dominic Rossetti, Alternate Defender held chambers conference telephonically to discuss settlement request.
05/26/2020	Court now rules as follows:
05/26/2020	Request to terminate the protective order on case number 18WM05278 on the date of sentencing 12/12/2019. Court grants request. Court orders the termination of the protective order on case 18WM05278 by Nunc Pro Tunc to the date of 12/12/19.
05/26/2020	Request to reset bail. Court denies request.
05/26/2020	Request to modify sentence for the 30 days Orange County Jail to be served as home confinement. Court continues request to 8/10/20.
05/26/2020	Probation Violation re: Disposition and Reset for 08/10/2020 at 08:30 AM in W18 to remain.
05/26/2020	All other terms and conditions of probation are to remain the same.
05/26/2020	Notice of Termination of Protective Order in Criminal Proceeding filed.
05/26/2020	Terminated Protective Order faxed to Protective Order Registry.
05/26/2020	Court finds good cause to continue bond under Penal Code 1305.1
05/26/2020	Present bail deemed sufficient and continued.
05/26/2020	Nunc Pro Tunc entry(s) made on this date for 12/12/2019.
05/26/2020	Nunc Pro Tunc entry(s) made on this date for 03/11/2020.
05/26/2020	Protective Order terminated in the Protective Order Registry.
05/26/2020	DOJ Subsequent Abstract - 42 sent.
05/29/2020	Hearing held on 05/29/2020 at 08:30 AM in Department W17 for Chambers Work.
05/29/2020	Judicial Officer: Thomas S. McConville, Judge
05/29/2020	Clerk: L. Y. Lee
05/29/2020	No appearance by parties.
05/29/2020	Defense Counsel notified Court with a request for an amendment for clarification purposes to the Notice of Termination of Protective Order.
	Court reviewed the request and amended the notice.
05/29/2020	Amended Notice of Termination of Protective Order in Criminal Proceeding filed.
05/29/2020	Copy of Amended Notice of Termination of Protective Order in Criminal Proceeding forwarded to Alternate Defender
05/29/2020	Minutes of 05/29/2020 entered on 06/01/2020.
06/01/2020	Copy of Amended Notice of Termination of Protective Order in Criminal Proceeding forwarded to District Attorney
07/31/2020	At the request of Court, case calendared on 12/11/20 at 08:30 AM in W4 for PV ARR.
07/31/2020	PV DR set on 08/10/20 at 08:30 AM in W18 has been cancelled.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

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Date of Action	Text
08/25/2020	Defendant's Request to have Trial Exhibits included in the Record on Appeal and Transmitted to the Appellate Department filed.
09/23/2020	Notice from Victim Witness of determined restitution amount filed.
09/23/2020	Case referred to W18 for review.
09/29/2020	COVID-19 Misdemeanor Action Request filed.
09/30/2020	Hearing held on 09/30/2020 at 09:00:00 AM in Department W12 for Chambers Work.
09/30/2020	Judicial Officer: Scott Van Camp, Commissioner
09/30/2020	Clerk: R. Wilder
09/30/2020	Due to the COVID-19 pandemic and pursuant to the Third Implementation Order RE: Emergency Order dated April 24, 2020, and the Supplemental Emergency Order authorized by the Judicial Council of California dated April 24, 2020, the court was closed March 17, 2020 through May 25, 2020.
09/30/2020	<p>Canon 3E(1) of the California Code of Judicial Ethics requires a judge to disqualify himself in any proceeding where disqualification is required by law. Canon 3E(2) requires a judge in all trial court proceedings to disclose on the record any information that is reasonably relevant to disqualification under Code of Civil Procedure section 170.1, even if the judge believes there is no actual basis for disqualification. To comply with these requirements, the court discloses the following:</p> <p>1) I was sworn in as a Commissioner of the Orange County Superior Court on March 1, 2019.</p> <p>2) Before becoming a commissioner, I worked as a Deputy District Attorney for the Orange County District Attorney's office for about one year and two months.</p> <p>3) Prior to becoming a Deputy District Attorney, I worked as a Deputy Public Defender for the Orange County Public Defender's office for about eighteen years.</p> <p>4) My wife, Cynthia Nichols, is currently employed as a Deputy District Attorney for the Orange County District Attorney's office. Her current assignment is the Assistant Head of Court for the D.A.'s office at the West Justice Center.</p> <p>To further comply with the disclosure requirements, the court requests all counsel to examine their case files to determine: (1) whether I had any contact with the case while employed as a Deputy District Attorney or Deputy Public Defender; and (2) whether my wife had any contact with the case as a Deputy District Attorney. If this review reveals that my wife or I have had any contact with the case, please bring it to my attention immediately.</p> <p>I do not believe that any of the foregoing facts or circumstances will affect my ability to be fair and impartial in these proceedings.</p>
09/30/2020	Telephonic conference was held in chambers with Deputy District Attorney Stephanie Henderson and Deputy Alternate Defender Derek Bercher.
09/30/2020	Defendant's request for extension of Orange County Jail report date is granted.
09/30/2020	30 days Jail as to count(s) 1, 2 further stayed to 01/22/2021 at 07:00 PM. This modifies the commitment dated 10/01/2020. Defendant to report to Orange County Jail as ordered.
09/30/2020	Credit for time served: 1 actual, 1 conduct, totaling 2 days pursuant to Day-for-day.
09/30/2020	Probation Violation re: Arraignment for 12/11/2020 at 08:30 AM in W4 to remain:
09/30/2020	Present bail deemed sufficient and continued.
09/30/2020	Notice to defendant issued.
09/30/2020	Notice to Sheriff issued.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

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Date of Action	Text
09/30/2020	Copy of Notice to Defendant and Instructions forwarded to District Attorney's Office and Deputy Alternate Defender Derek Bercher via email.
10/05/2020	Court sets restitution in the amount of \$9,338.25 plus 10% interest per year and 10% administrative fee(s) as to count(s) 1, 2 for Victim # 1.
10/08/2020	Victim Restitution Waiver and Courtesy Notice sent.
10/20/2020	Calendar Line for PV ARR transferred from W4 on 12/11/2020 at 08:30 AM to W1 on 12/11/2020 at 08:30 AM.
10/29/2020	COVID-19 Misdemeanor Action Request filed.
10/29/2020	COVID-19 Misdemeanor Action Request filed.
10/30/2020	Hearing held on 10/30/2020 at 09:00:00 AM in Department W1 for Chambers Work.
10/30/2020	Judicial Officer: Robert Gerard, Judge
10/30/2020	Clerk: J. Rosales
10/30/2020	No appearance by parties.
10/30/2020	Court read and considered COVID-19 Misdemeanor Action Request.
10/30/2020	Counsel needs to file a formal motion and set the case on calendar. The request made by Counsel is not a MARS related request.
10/30/2020	Probation Violation re: Arraignment for 12/11/2020 at 08:30 AM in W1 to remain.
10/30/2020	Present bail deemed sufficient and continued.
10/30/2020	Notice to defendant issued.
10/30/2020	Copy of Notice to Defendant mailed to Attorney Sherry Garrels
10/30/2020	Copy of minute order forwarded to District Attorneys Office
11/01/2020	Monthly interest on Victim Restitution in the amount of \$77.82 assessed for Victim # 1.
11/09/2020	Defendant failed to submit waiver of restitution. Restitution as ordered is now imposed.
11/18/2020	Hearing held on 11/18/2020 at 09:00:00 AM in Department W18 for Chambers Work.
11/18/2020	Judicial Officer: Terri K Flynn-Peister, Judge
11/18/2020	Clerk: R. Nagle
11/18/2020	No appearance by parties.
11/18/2020	The Court has reviewed correspondence and rules as follows:
11/18/2020	Petition to Modify or Order Victim Restitution and Notice of Hearing filed.
11/18/2020	Proof of Service filed.
11/18/2020	Proof of Service filed.
11/18/2020	Petition for Modification of Sentence received.
11/18/2020	Proof of Service filed.
11/18/2020	Proof of Service filed.
11/18/2020	Sentencing re: Modification set on 12/11/2020 at 08:30 AM in Department W18.
11/18/2020	Also on calendar for Petition to Modify or Order Victim Restitution.
11/18/2020	Probation Violation re: Arraignment vacated for 12/11/2020 at 08:30 AM in W1.
11/18/2020	Probation Violation re: Arraignment set on 12/11/2020 at 08:30 AM in Department W18.
11/18/2020	Present bail deemed sufficient and continued.
11/18/2020	Case Processing directed to send notice of hearing to all parties.
12/01/2020	Monthly interest on Victim Restitution in the amount of \$77.82 assessed for Victim # 1.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

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Date of Action	Text
12/11/2020	Hearing held on 12/11/2020 at 08:30:00 AM in Department W18 for Probation Violation ARR.
12/11/2020	Hearing held on 12/11/2020 at 08:30:00 AM in Department W18 for Sentencing Modification.
12/11/2020	Judicial Officer: Terri K Flynn-Peister, Judge
12/11/2020	Clerk: R. Nagle
12/11/2020	Bailiff: J. Palacios
12/11/2020	Proceedings recorded electronically. The recording equipment is functioning normally, and all of the proceedings in open court between designated times of day will be recorded, except for such matters as were expressly directed to be "off the record" or as otherwise specified.
12/11/2020	Per applicable law, including Code of Civil Procedure 124, this proceeding is being live streamed as described on the Orange County Court Website. The court notes that we are currently in the COVID-19 pandemic and previous judicial orders issued in that regard.
12/11/2020	People represented by Gerard Gully, Deputy District Attorney, present.
12/11/2020	Sherry Garrels makes a special appearance. Defendant present.
12/11/2020	All parties orally notified of the Court's disqualification disclosure pursuant to Canon 3E(2) of the California Code of Judicial Ethics.
12/11/2020	Oral motion by Defense to allow defendant to complete jail sentence on home confinement
12/11/2020	Motion argued.
12/11/2020	Motion denied without prejudice.
12/11/2020	30 days Jail as to count(s) 1, 2 further stayed to 02/19/2021 at 07:00 PM. This modifies the commitment dated 01/22/2021. Defendant to report to Orange County Jail as ordered.
12/11/2020	Credit for time served: 1 actual, 1 conduct, totaling 2 days pursuant to Day-for-day.
12/11/2020	Discussion held regarding \$250, 000.00 bond.
12/11/2020	Ms. Gallian relieves attorney Garrels and requests to address the Court.
12/11/2020	Court places the case on second call to have the clerk contact the alternate defender as they are still representing the defendant on the probation violation.
12/11/2020	In open court at 11:51 AM
12/11/2020	People represented by Gerard Gully, Deputy District Attorney, present.
12/11/2020	Appearance made by Derek Bercher Alternate Defender by telephone.
12/11/2020	Defendant still present in court.
12/11/2020	Probation Violation re: Arraignment continued to 12/16/2020 at 08:30 AM in Department W18 by stipulation of all parties.
12/11/2020	Hearing set on 12/16/2020 at 08:30 AM in Department W18.
12/11/2020	On calendar for Petition to Modify or Order Victim Restitution.
12/11/2020	Defendant ordered to appear.
12/11/2020	Present bail deemed sufficient and continued.
12/16/2020	Hearing held on 12/16/2020 at 08:30:00 AM in Department W18 for Probation Violation ARR.
12/16/2020	Hearing held on 12/16/2020 at 08:30:00 AM in Department W18 for Hearing.
12/16/2020	Judicial Officer: Terri K Flynn-Peister, Judge

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

06/21/2022 13:41:26 PM

Date of Action	Text
12/16/2020	Clerk: R. Nagle
12/16/2020	Bailiff: J. Palacios
12/16/2020	Proceedings recorded electronically. The recording equipment is functioning normally, and all of the proceedings in open court between designated times of day will be recorded, except for such matters as were expressly directed to be "off the record" or as otherwise specified.
12/16/2020	People represented by Gerard Gully, Deputy District Attorney, present.
12/16/2020	Defendant not present in Court represented by Derek Bercher, Alternate Defender.
12/16/2020	Defendant not present in Court represented by John Marshall Kremer, Retained Attorney.
12/16/2020	Counsel Kremer is appearing on the probation violation based on 20WM01978 and 20WM07181.
12/16/2020	Victim present in court.
12/16/2020	All parties orally notified of the Court's disqualification disclosure pursuant to Canon 3E(2) of the California Code of Judicial Ethics.
12/16/2020	20WM01978, 20WM07181 and Petition is included as the allegation(s) for this violation.
12/16/2020	Probation Violation re: Arraignment set on 01/27/2021 at 08:30 AM in Department W18.
12/16/2020	Hearing re: Restitution set on 01/27/2021 at 08:30 AM in Department W18.
12/16/2020	Present bail deemed sufficient and continued.
12/16/2020	Keep with companion cases(s) 20WM01978 and 20WM07181.
01/01/2021	Monthly interest on Victim Restitution in the amount of \$77.82 assessed for Victim # 1.
01/12/2021	Hearing held on 01/12/2021 at 09:00:00 AM in Department W18 for Chambers Work.
01/12/2021	Judicial Officer: Kevin Haskins, Judge
01/12/2021	Clerk: D. Phillips
01/12/2021	No appearance by parties.
01/12/2021	Matter re-set as follows:
01/12/2021	Case advanced on calendar to this date. Probation Violation re: Arraignment on 01/27/2021 at 08:30 AM in W18 is vacated.
01/12/2021	Case advanced on calendar to this date. Hearing re: Restitution on 01/27/2021 at 08:30 AM in W18 is vacated.
01/12/2021	Probation Violation re: Arraignment set on 01/27/2021 at 08:30 AM in Department W1.
01/12/2021	Hearing re: Restitution set on 01/27/2021 at 08:30 AM in Department W1.
01/12/2021	Present bail deemed sufficient and continued.
01/12/2021	Copy of Minute Order mailed to John Kremer.
01/12/2021	Copy of Minute Order forwarded to District Attorney's Office.
01/12/2021	Copy of Minute Order forwarded to Alternate Defender's Office.
01/12/2021	Keep with companion cases(s) 20WM07181, 20WM01978.
01/22/2021	Calendar Line for PV ARR transferred from W1 on 01/27/2021 at 08:30 AM to W13 on 01/27/2021 at 08:30 AM.
01/22/2021	Calendar Line for HRG REST transferred from W1 on 01/27/2021 at 08:30 AM to W13 on 01/27/2021 at 08:30 AM.
01/27/2021	Hearing held on 01/27/2021 at 08:30:00 AM in Department W13 for Hearing REST.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

06/21/2022 13:41:26 PM

Date of Action	Text
01/27/2021	Hearing held on 01/27/2021 at 08:30:00 AM in Department W13 for Probation Violation Arraignment.
01/27/2021	Judicial Officer: Thomas Glazier, Judge
01/27/2021	Clerk: L. Sanchez
01/27/2021	Bailiff: A. Gonzales
01/27/2021	Proceedings recorded electronically. The recording equipment is functioning normally, and all of the proceedings in open court between designated times of day will be recorded, except for such matters as were expressly directed to be "off the record" or as otherwise specified.
01/27/2021	People represented by Gerard Gully, Deputy District Attorney, present.
01/27/2021	Defendant present in Court with counsel Derek Bercher, Alternate Defender.
01/27/2021	., Victim, present in court.
01/27/2021	Per applicable law, including Code of Civil Procedure 124, this proceeding is being live streamed as described on the Orange County Court Website. The court notes that we are currently in the COVID-19 pandemic and previous judicial orders issued in that regard.
01/27/2021	Pursuant to the California Code of Judicial Ethics, Canon 3, subsection E(2), Court Disclosure regarding the criminal case filed in the People of the State of California v. Isaac Jones, case number 19CF0869 given by Thomas Glazier, Judge in court.
01/27/2021	Court complied with "Administrative Order No. 20/19"
01/27/2021	Court notes everyone in the courtroom is abiding by Social Distancing Guidelines; and in compliance with wearing a face mask
01/27/2021	Notice of Grounds for Probation Violation served and filed on all parties.
01/27/2021	Restitution Report dated 01-27-21 filed.
01/27/2021	Victim Restitution Questionnaire dated 04-27-20 filed.
01/27/2021	Court read and considered Victim/Witness Assistance Program restitution report dated 01-27-21.
01/27/2021	Court read and considered Victim Restitution Questionnaire dated 04-27-20.
01/27/2021	Case called. People answer ready. Defense answers ready.
01/27/2021	Witness, J. Jasso, sworn and testified.
01/27/2021	Start of Exhibit List: for exhibit management purposes.
01/27/2021	Defense Exhibit # A (Document(s))- Minute Order dated 11-29-18, Dept C-66 marked for identification.
01/27/2021	No objection by People. entered into evidence
01/27/2021	Defense Exhibit # A received into evidence.
01/27/2021	Defense Exhibit # B (Document(s))- email from Derek Bercher dated 01-26-21, 3:58 PM marked for identification.
01/27/2021	No objection by People. entered into evidence
01/27/2021	Defense Exhibit # B received into evidence.
01/27/2021	Defense Exhibit # C (Document(s))- Case summary 19WM09951 marked for identification.
01/27/2021	Witness excused.
01/27/2021	At 11:36 AM, court declared a recess.
01/27/2021	Again in open court at 11:45 AM. Defendant present with counsel. People duly represented.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

06/21/2022 13:41:26 PM

Date of Action	Text
01/27/2021	At 11:58 AM, court declared a recess.
01/27/2021	Again in open court at 01:50 PM. Defendant present with counsel. People duly represented.
01/27/2021	Restitution Hearing continues
01/27/2021	People rest(s)
01/27/2021	Defense rests.
01/27/2021	Motion argued.
01/27/2021	No objection by People. as to Defense "C" being entered into evidence
01/27/2021	Defense Exhibit # C received into evidence.
01/27/2021	End of Exhibit List: for exhibit management purposes,
01/27/2021	The Court has reviewed correspondence and rules as follows:
01/27/2021	Court sets restitution in the amount of \$9, 338.25 as to count(s) 1, 2 plus 10% interest from date of loss per year and administrative fees, payable thru Victim Witness.
01/27/2021	Restitution Notice printed.
01/27/2021	Defendant ordered to report to Victim Witness office forthwith.
01/27/2021	Regarding Bail Review
01/27/2021	Motion by Defense reconsideration on bail amount
01/27/2021	Objection by the People.
01/27/2021	Motion granted.
01/27/2021	Court orders bail bond # CC250-01419294 exonerated.
01/27/2021	Bail set in the amount of \$50, 000.00 to be posted by 02/03/2021.
01/27/2021	Hearing set on 02/03/2021 at 04:00 PM in Department W13,
01/27/2021	Regarding: Posting \$50, 000 Bond
01/27/2021	Defendant advised to report to Department W-13 if unable to post bond
01/27/2021	Motion by Defense extension on jail stay date
01/27/2021	Motion granted.
01/27/2021	30 days Jail as to count(s) 1, 2 further stayed to 03/05/2021 at 07:00 PM. This modifies the commitment dated 02/19/2021. Defendant to report to Theo Lacy Jail as ordered.
01/27/2021	Credit for time served: 1 actual, 1 conduct, totaling 2 days pursuant to Day-for-day.
01/27/2021	Defendant currently is not in custody.
01/27/2021	Notice to Sheriff issued.
01/27/2021	Probation Violation re: Arraignment set on 03/04/2021 at 08:30 AM in Department W18.
01/27/2021	Defendant ordered to appear.
01/27/2021	Bail deemed sufficient and continued when received.
01/27/2021	Keep with companion cases(s) 20WM01978 and 20WM01978.
01/28/2021	Bail Bond Number CC50-01452931 posted in the amount of \$50000.00 by BBD of CONT.
01/28/2021	Surety Bond # CC50-01452931 filed.
01/28/2021	Bond received via counter from Bail Bonds Direct.
01/28/2021	Appearance date on Bond/Cash Bail receipt is 02/03/2021.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

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Date of Action	Text
01/29/2021	Hearing held on 01/29/2021 at 09:00:00 AM in Department W13 for Chambers Work.
01/29/2021	Judicial Officer: Thomas Glazier, Judge
01/29/2021	Clerk: L. Sanchez
01/29/2021	No appearance by parties.
01/29/2021	Court notes, \$50, 000 Bond was posted on 01-28-21
01/29/2021	Hearing vacated for 02/03/2021 at 04:00 PM in W13.
01/29/2021	Probation Violation re: Arraignment for 03/04/2021 at 08:30 AM in W18 to remain.
01/29/2021	Present bail deemed sufficient and continued.
02/01/2021	Monthly interest on Victim Restitution in the amount of \$77.82 assessed for Victim # 1.
02/02/2021	Exhibit List of Defense filed.
02/11/2021	Defendant has authorized the court to send automated SMS/Text reminders, authorization submitted through web services - My Court Portal.
02/16/2021	Notice of Appeal forwarded to West Justice Center from Central Justice Center.
02/22/2021	Minute Order from the Appellate Division date 02/17/2021 filed.
02/22/2021	Defendant's motion to augment the record on appeal filed January 26, 2021 is granted in part and denied in part. The motion to augment is granted, and the matter remanded to the trial court, to include a copy of the complaint amended by interlineation, filed on October 31, 2018. The motion to augment the record to include (1) DC 110 Temporary Restraining Order dated April 18, 2018, (2) Minute Order date February 14, 2018, and (3) Minute Order dated April 18, 2018, is denied without prejudice. These filings pre-date the filing of the underlying misdemeanor complaint (April 25, 2018.) The record does not reflect that these documents were filed on lodged in the trial court case for the underlying misdemeanor proceedings. The motion to augment the record to include the minutes from October 31, 2018 in the underlying misdemeanor proceedings is denied. The trial court's minutes is included in the Clerk's Transcript in this appellate case. The briefing schedule is vacated. The clerk is ordered to issue a new briefing schedule upon recertification of the record on appeal.
02/23/2021	Order For Victim Restitution received, not filed.
02/24/2021	NOTICE OF APPEAL RECEIVED AND FILED.
02/24/2021	Request for Court Appointed Lawyer in Misdemeanor Appeal filed.
02/24/2021	Notice Regarding Record of Oral Proceedings filed.
02/24/2021	Respondent: District Attorney, Appellant: Jamie Lynn Gallian, Judicial Officer: Judge Thomas Glazier and the appellate division clerk notified of the filing of the Notice of Appeal.
03/01/2021	Monthly interest on Victim Restitution in the amount of \$77.82 assessed for Victim # 1.
03/04/2021	Hearing held on 03/04/2021 at 08:30:00 AM in Department W18 for Probation Violation Arraignment.
03/04/2021	Judicial Officer: Kevin Haskins, Judge
03/04/2021	Clerk: D. Phillips
03/04/2021	Bailiff: A. Ha
03/04/2021	Proceedings recorded electronically. The recording equipment is functioning normally, and all of the proceedings in open court between designated times of day will be recorded, except for such matters as were expressly directed to be "off the record" or as otherwise specified.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

06/21/2022 13:41:26 PM

Date of Action	Text
03/04/2021	Per applicable law, including Code of Civil Procedure 124, this proceeding is being live streamed as described on the Orange County Court Website. The court notes that we are currently in the COVID-19 pandemic and previous judicial orders issued in that regard.
03/04/2021	People represented by Miles Robinson, Deputy District Attorney, present.
03/04/2021	Defendant not present in Court represented by Derek Bercher, Alternate Defender.
03/04/2021	Defendant's appearance is waived pursuant to Penal Code 977(a).
03/04/2021	All parties orally notified of the Court's disqualification disclosure pursuant to Canon 3E(2) of the California Code of Judicial Ethics.
03/04/2021	Request for Continuance - Misdemeanor filed.
03/04/2021	Probation Violation re: Arraignment continued to 03/25/2021 at 08:30 AM in Department W1 at request of Defense.
03/04/2021	30 days Jail as to count(s) 1, 2 further stayed to 03/26/2021 at 07:00 PM. This modifies the commitment dated 03/05/2021. Defendant to report to Orange County Jail as ordered.
03/04/2021	Present bail deemed sufficient and continued.
03/04/2021	Notice to Sheriff issued.
03/05/2021	Case referred to W18 for review.
03/09/2021	Hearing held on 03/09/2021 at 08:30 AM in Department W18 for Chambers Work.
03/09/2021	Judicial Officer: Kevin Haskins, Judge
03/09/2021	Clerk: D. Phillips
03/09/2021	No appearance by parties.
03/09/2021	Court read and considered order for restitution.
03/09/2021	Order for Victim Restitution signed and filed.
03/09/2021	Case Processing directed to send notice by letter.
03/09/2021	Minutes of 03/09/2021 entered on 03/16/2021.
03/11/2021	Notice to Prepare Transcript of Oral Proceedings forwarded to Court Reporter Services.
03/18/2021	Order for Victim Restitution forwarded to Probation Department, Collection Officer
03/22/2021	Receipt for Records and Papers from Appellate Division filed. Assignment of Appellate Division case number 30-2021-01189657.
03/25/2021	Hearing held on 03/25/2021 at 08:30:00 AM in Department W1 for Probation Violation Arraignment.
03/25/2021	Judicial Officer: Paula Coleman, Commissioner
03/25/2021	Clerk: M. Villalobos
03/25/2021	Bailiff: A. Cleveland
03/25/2021	Proceedings recorded electronically. The recording equipment is functioning normally, and all of the proceedings in open court between designated times of day will be recorded, except for such matters as were expressly directed to be "off the record" or as otherwise specified.
03/25/2021	Per applicable law, including Code of Civil Procedure 124, this proceeding is being live streamed as described on the Orange County Court Website. The court notes that we are currently in the COVID-19 pandemic and previous judicial orders issued in that regard.
03/25/2021	Austin David Young made a special appearance for District Attorney Miles Robinson.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

06/21/2022 13:41:26 PM

Date of Action	Text
03/25/2021	Defendant not present in Court represented by Derek Bercher, Alternate Defender.
03/25/2021	Defendant's appearance is waived pursuant to Penal Code 977(a).
03/25/2021	Notice of Grounds for Probation Violation served and filed on all parties.
03/25/2021	Defendant waives right to probation hearing. Defendant admits violation of probation as to count(s) 1, 2.
03/25/2021	Court finds defendant in violation of probation. (Entered NUNC_PRO_TUNC on 05/21/21)
03/25/2021	Court orders probation reinstated and modified as to count(s) 1, 2 as follows:
03/25/2021	Pursuant to Penal Code 1203a and 1203.1, probation term as to count(s) 1, 2 modified to 1 Year(s).
03/25/2021	Probation is being extended as agreed upon by all parties. Probation is now extended until 03/25/2022 as to count(s) 1, 2.
03/25/2021	30 days Jail as to count(s) 1, 2 further stayed to 05/21/2021 at 07:00 PM. This modifies the commitment dated 05/21/2021. Defendant to report to Orange County Jail as ordered.
03/25/2021	Credit for time served: 3 actual, 3 conduct, totaling 6 days pursuant to Day-for-day.
03/25/2021	Court authorizes Electronic Confinement.
03/25/2021	Defendant ordered to report to Victim Witness office by 05/24/2021.
03/25/2021	All other terms and conditions of probation are to remain the same.
03/25/2021	Court orders bail bond # CC50-01452931 exonerated.
03/25/2021	Notice to Sheriff printed.
03/25/2021	Amended Probation Order printed.
03/25/2021	DOJ Subsequent Abstract - 40 sent.
03/25/2021	DOJ Subsequent Abstract - 41 sent.
03/25/2021	DOJ Subsequent Abstract - 42 sent.
03/30/2021	Minute Order from the Appellate Division dated 03/24/2021 filed.
03/30/2021	The application for appointment of counsel on appeal is granted. Robert Livingston Bullock is appointed to represent appellant on this appeal.
04/01/2021	Monthly interest on Victim Restitution in the amount of \$77.82 assessed for Victim # 1.
04/05/2021	Receipt for records and papers on Record on Appeal prepared and forwarded to Superior Court Appellate Division, as listed on receipt.
04/05/2021	Record on Appeal mailed to Appellant and Respondent.
04/07/2021	Notice of Motion and Motion to Correct Omitted Pages filed.
04/12/2021	Receipt for records and papers on Record on Appeal prepared and forwarded to Superior Court Appellate Division, as listed on receipt.
04/12/2021	Record on Appeal mailed to Appellant and Respondent.
04/28/2021	Nunc Pro Tunc entry(s) made on this date for 03/25/2021.
04/29/2021	Correspondence from Victim filed.
04/30/2021	Case referred to W18 for review.
05/01/2021	Monthly interest on Victim Restitution in the amount of \$77.82 assessed for Victim # 1.
05/03/2021	Hearing held on 05/03/2021 at 09:00 AM in Department W18 for Chambers Work.
05/03/2021	Judicial Officer: Kevin Haskins, Judge
05/03/2021	Clerk: K. Rodriguez

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

06/21/2022 13:41:26 PM

Date of Action	Text
05/03/2021	No appearance by parties.
05/03/2021	The Court has reviewed correspondence and rules as follows:
05/03/2021	Request for copy of defendant's statement of assets is denied.
05/03/2021	Case Processing directed to send notice by letter.
05/03/2021	Minutes of 05/03/2021 entered on 05/04/2021.
05/03/2021	Notice to defendant issued.
05/05/2021	Notice to Defendant mailed to defendant.
05/05/2021	Receipt for records and papers on Record on Appeal prepared and forwarded to Superior Court Appellate Division, as listed on receipt.
05/05/2021	Record on Appeal mailed to Appellant and Respondent.
05/10/2021	Receipt for Records filed.
05/19/2021	COVID-19 Misdemeanor Action Request filed.
05/19/2021	Case referred to W13 for review.
05/21/2021	Hearing held on 05/21/2021 at 09:00:00 AM in Department W13 for Chambers Work.
05/21/2021	Judicial Officer: Thomas Glazier, Judge
05/21/2021	Clerk: L. Sanchez
05/21/2021	District Attorney not present in Court.
05/21/2021	Defendant not present in Court represented by Derek Bercher, Alternate Defender.
05/21/2021	Defendant's appearance is waived pursuant to Penal Code 977(a).
05/21/2021	Court read and considered Misdemeanor Action request.
05/21/2021	Oral motion by Defense extension on jail report date
05/21/2021	The Court has reviewed correspondence and rules as follows:
05/21/2021	Motion granted.
05/21/2021	Minutes of 03-25-21 Nunc Pro Tunc to reflect Defense admits and found in violation
05/21/2021	30 days Jail as to count(s) 1, 2 further stayed to 08/06/2021 at 07:00 PM. This modifies the commitment dated 05/21/2021. Defendant to report to Theo Lacy Jail as ordered.
05/21/2021	Credit for time served: 3 actual, 3 conduct, totaling 6 days pursuant to Day-for-day. (Entered NUNC_PRO_TUNC on 05/26/21)
05/21/2021	Court authorizes Electronic Confinement. (Entered NUNC_PRO_TUNC on 05/26/21)
05/21/2021	Defendant currently is not in custody.
05/21/2021	Notice to Sheriff issued.
05/21/2021	Copy of Jail notice forwarded to Orange County jail
05/21/2021	All terms and conditions of probation are to remain the same.
05/21/2021	Defendant's release status updated to reflect: Released.
05/21/2021	Nunc Pro Tunc entry(s) made on this date for 03/25/2021.
05/21/2021	DOJ Subsequent Abstract - 40 sent.
05/21/2021	Notice to Sheriff issued.
05/21/2021	Notice to Sheriff issued.
05/25/2021	Request For Electronic Recording received.
05/26/2021	Abstract of Judgment issued.
05/26/2021	Nunc Pro Tunc entry(s) made on this date for 05/21/2021.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

06/21/2022 13:41:26 PM

Date of Action	Text
05/26/2021	Nunc Pro Tunc entry(s) made on this date for 05/21/2021 12:00:00 AM.
06/01/2021	Monthly interest on Victim Restitution in the amount of \$77.82 assessed for Victim # 1.
06/10/2021	Receipt for Records filed.
06/22/2021	Copy of Electronic Recording given to Janine Jasso
06/23/2021	Defense Motion To Vacate Conviction Or Sentence filed.
06/23/2021	Order On Motion To Vacate Conviction Or Sentence received, not filed.
06/23/2021	Proof of Service filed.
06/23/2021	Declaration Jamie Lynn Gallian In Support Of Motion filed.
07/01/2021	Monthly interest on Victim Restitution in the amount of \$77.82 assessed for Victim # 1.
07/01/2021	Pursuant to Penal Code 1465.9 any court-imposed costs pursuant to Penal Codes 987.4, 987.5(a), 987.8, 1203.1e, 1203.016, 1203.018, 1203.1b, 1208.2, 1210.15, 3010.8, 4024.2 and 6266 are deemed unenforceable and uncollectible.
07/09/2021	Hearing held on 07/09/2021 at 09:00:00 AM in Department W18 for Chambers Work.
07/09/2021	Judicial Officer: Kevin Haskins, Judge
07/09/2021	Clerk: D. Phillips
07/09/2021	No appearance by parties.
07/09/2021	Motion re: Vacate Conviction / Sentence pursuant to PC 1473.7(a)(3) set on 08/02/2021 at 08:30 AM in Department W18.
07/09/2021	Motion re: Vacate Conviction / Sentence pursuant to PC 1473.7(a)(3) on 08/02/2021 at 08:30 AM in W18 entered in error. (Entered NUNC_PRO_TUNC on 08/02/21)
07/09/2021	Motion set on 08/02/2021 at 08:30 AM in Department W18. (Entered NUNC_PRO_TUNC on 08/02/21)
07/09/2021	Motion to Vacate Conviction. (Entered NUNC_PRO_TUNC on 08/02/21)
07/09/2021	Copy of Minute Order forwarded to Derek Bercher by email..
07/09/2021	Copy of Minute Order forwarded to Victim Witness Assistance Program..
08/01/2021	Monthly interest on Victim Restitution in the amount of \$77.82 assessed for Victim # 1.
08/02/2021	Nunc Pro Tunc entry(s) made on this date for 07/09/2021.
08/02/2021	Hearing held on 08/02/2021 at 08:30:00 AM in Department W18 for Motion.
08/02/2021	Judicial Officer: Kevin Haskins, Judge
08/02/2021	Clerk: D. Phillips
08/02/2021	Bailiff: A. Ha
08/02/2021	Proceedings recorded electronically. The recording equipment is functioning normally, and all of the proceedings in open court between designated times of day will be recorded, except for such matters as were expressly directed to be "off the record" or as otherwise specified.
08/02/2021	Danielle Vicino made a special appearance for District Attorney Miles Robinson.
08/02/2021	Defendant present in Court without counsel.
08/02/2021	Court inquires of Ms. Gallian if Mr. Bercher is still representing her.
08/02/2021	Ms. Gallian states she has filed the motion in pro per.
08/02/2021	Defendant present in Court in propria persona.
08/02/2021	Oral motion by People to continue the motion due to the assigned District Attorney being engaged in trial.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

06/21/2022 13:41:26 PM

Date of Action	Text
08/02/2021	Motion continued to 08/23/2021 at 08:30 AM in Department W18 at request of Defense.
08/02/2021	Motion to Vacate Conviction.
08/02/2021	Defendant ordered to return.
08/02/2021	30 days Jail as to count(s) 1, 2 further stayed to 09/03/2021 at 07:00 PM. This modifies the commitment dated 08/06/2021. Defendant to report to Orange County Jail as ordered.
08/02/2021	Credit for time served: 3 actual, 3 conduct, totaling 6 days pursuant to Day-for-day.
08/02/2021	All terms and conditions of probation are to remain the same.
08/02/2021	Copy of Minute Order given to defendant.
08/02/2021	Notice to Sheriff issued.
08/23/2021	Hearing held on 08/23/2021 at 08:30:00 AM in Department W18 for Motion.
08/23/2021	Judicial Officer: Kevin Haskins, Judge
08/23/2021	Clerk: D. Phillips
08/23/2021	Bailiff: A. Ha
08/23/2021	Proceedings recorded electronically. The recording equipment is functioning normally, and all of the proceedings in open court between designated times of day will be recorded, except for such matters as were expressly directed to be "off the record" or as otherwise specified.
08/23/2021	Pursuant to the California Code of Judicial Ethics, Canon 3, subsection E(2), Court Disclosure regarding the criminal case filed in the People of the State of California v. Isaac Jones, case number 19CF0869 given by Kevin Haskins, Judge in court.
08/23/2021	People represented by Gerard Gully, Deputy District Attorney, present.
08/23/2021	Defendant present in Court in propria persona.
08/23/2021	Case called. People answer ready. Defense answers ready.
08/23/2021	Motion transferred to 08/23/2021 at 09:40 AM in Department W14.
08/23/2021	Parties to appear forthwith.
08/23/2021	Hearing held on 08/23/2021 at 09:40:00 AM in Department W14 for Motion.
08/23/2021	Judicial Officer: Thomas Glazier, Judge
08/23/2021	Clerk: A. Saloky
08/23/2021	Bailiff: A. Gonzales
08/23/2021	In open court at 10:15 AM
08/23/2021	Proceedings recorded electronically. The recording equipment is functioning normally, and all of the proceedings in open court between designated times of day will be recorded, except for such matters as were expressly directed to be "off the record" or as otherwise specified.
08/23/2021	Pursuant to the California Code of Judicial Ethics, Canon 3, subsection E(2), Court Disclosure regarding the criminal case filed in the People of the State of California v. Isaac Jones, case number 19CF0869 given by Thomas Glazier, Judge in court.
08/23/2021	People represented by Gerard Gully, Deputy District Attorney, present.
08/23/2021	Defendant present in Court in propria persona.
08/23/2021	Court states he needs some time to review the motion and orders all parties to return at 11:00 am.
08/23/2021	Again in open court at 11:00 AM. Defendant present in Propria Persona. People duly represented.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

06/21/2022 13:41:26 PM

Date of Action	Text
08/23/2021	Court read and considered moving papers..
08/23/2021	Court hears from defendant.
08/23/2021	Motion argued.
08/23/2021	Defense motion to vacate conviction is denied.
09/01/2021	Monthly interest on Victim Restitution in the amount of \$77.82 assessed for Victim # 1.
09/01/2021	Opinion filed.
09/01/2021	Opinion forwarded to Judge Kevin Haskins
09/01/2021	Case referred to W18 for review.
09/07/2021	Minute Order from the Appellate Division dated 08/31/2021 filed.
09/07/2021	The court, on its own motion pursuant to California Rules of Court, rule 8.873(c), remands this matter to the trial court to augment the record with: (1) restitution report, filed on 1/27/21; (2) victim restitution questionnaire date 4/27/20, filed on 1/27/21; and (3) defense exhibits A, B, C, admitted into evidence at 1/27/21 restitution hearing. Upon the filing and service of supplemental clerk's transcript, appointed counsel is ordered to review the record, and within 30 days, file and serve a supplemental brief either briefing any arguable issues or informing this court that a review of the supplemental clerk's transcript reveals no arguable issues.
09/13/2021	Receipt for records and papers on Record on Appeal prepared and forwarded to Superior Court Appellate Division, as listed on receipt.
09/13/2021	Record on Appeal mailed to Appellant and Respondent.
09/24/2021	Receipt for Records filed.
10/01/2021	Monthly interest on Victim Restitution in the amount of \$77.82 assessed for Victim # 1.
11/01/2021	Monthly interest on Victim Restitution in the amount of \$77.82 assessed for Victim # 1.
11/18/2021	Receipt for Records filed.
11/18/2021	Remittitur and Judgment/Order filed.
11/18/2021	Remittitur forwarded to Judge Kevin Haskins,
11/18/2021	Case referred to W18 for review.
11/18/2021	Appeal number 30-2019-01119765
12/01/2021	Monthly interest on Victim Restitution in the amount of \$77.82 assessed for Victim # 1.
12/10/2021	Hearing held on 12/10/2021 at 09:00:00 AM in Department W18 for Chambers Work.
12/10/2021	Judicial Officer: Kevin Haskins, Judge
12/10/2021	Clerk: D. Phillips
12/10/2021	No appearance by parties.
12/10/2021	Court read and considered Remittitur.
12/10/2021	Judgment affirmed as to count(s) 1, 2.
12/10/2021	DOJ Subsequent Abstract - 21 sent.
01/01/2022	Monthly interest on Victim Restitution in the amount of \$77.82 assessed for Victim # 1.
01/04/2022	Court orders \$ 933.83 VR Admin Fee vacated. Pursuant to Penal Code 1465.9(b) and Vehicle Code 42240, any court-imposed costs pursuant to Penal Codes 1001.15, 1001.16, 1001.90, 1202.4, 1203.1, 1203.1ab, 1203.1c, 1203.1m, 1203.4a, 1203.9, 1205, 1214.5, 2085.5, 2085.6, or 2085.7, and Vehicle Codes 40508.5 and 40510.5(g) are deemed unenforceable and uncollectible as of January 1, 2022.
01/07/2022	Adjusted Case Balance Notice sent.
02/01/2022	Monthly interest on Victim Restitution in the amount of \$77.82 assessed for Victim # 1.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

MINUTES

Case : 18WM05278

Name : Gallian, Jamie Lynn

06/21/2022 13:41:26 PM

Date of Action	Text
03/01/2022	Monthly interest on Victim Restitution in the amount of \$77.82 assessed for Victim # 1.
03/25/2022	Case evaluated for expired probation(s). Probation updated for applicable grant(s) of probation.
04/01/2022	Monthly interest on Victim Restitution in the amount of \$77.82 assessed for Victim # 1.
04/20/2022	Opinion filed.
04/20/2022	Opinion case number 30-2021-01189657
04/20/2022	Opinion forwarded to Judge Thomas Glazier W14
05/01/2022	Monthly interest on Victim Restitution in the amount of \$77.82 assessed for Victim # 1.
06/01/2022	Monthly interest on Victim Restitution in the amount of \$77.82 assessed for Victim # 1.

TO PREPARE FOR THE COURT TO BE USED IN THE FUTURE
THE COURT HAS ORDERED THAT THE COURT SHALL BE USED IN THE FUTURE

THE COURT HAS ORDERED THAT THE COURT SHALL BE USED IN THE FUTURE
THE COURT HAS ORDERED THAT THE COURT SHALL BE USED IN THE FUTURE

THE COURT HAS ORDERED THAT THE COURT SHALL BE USED IN THE FUTURE



I hereby certify the foregoing instrument consisting of 54 page(s)
is a true and correct copy of the original on file in this court.

ATTEST: (DATE) 06/21/2022
DAVID H. YAMASAKI, EXECUTIVE OFFICER AND CLERK OF THE
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

BY N. Moret DEPUTY




EXHIBIT PAGE 0077

EXHIBIT 8

1. 4/25/2018 Complaint "Domestic Violence" appears on face of Complaint in error.
2. Interlineated 10/31/2018 vacate Domestic Violence.
3. Complaint filed was based on 2/14/2018 Private Stipulation-Civil Harassment filed by Huntington Beach Gables HOA 2.14.2018. Case Dismissed without Prejudice.
4. 3/27/2018 Janine Jasso Huntington Beach Police Report "Alleged Violation of 2/14/2018 Stipulation.
5. 2/14/2018 Minute Order
6. Second Complaint filed 4/16/2019 (missing final page) Jasso's tells Superior Court Judge Kevin Haskins on 6/4/2019, "She is continuing to violate the TRO, when Jasso knew her 4/17/2018 Peaceful Contact, No Stay Away superseded 12/22/2017 HOA TRO concerning Jasso and her listed protected parties under Family Code §§6457.
7. Minute Orders Jasso v Gallian 4/17/2018 - 12/17/2018. All Peaceful Contact, No Stay Away. Jasso continued to lie to Judicial Officers stating there was a protective order and stay away when there was not, Jasso continued to file numerous false HBPD Police Reports.

1 SUPERIOR COURT OF CALIFORNIA
2 COUNTY OF ORANGE, WEST JUSTICE CENTER

ELECTRONICALLY FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE

04/25/2018
03:40 PM

DAVID H. YAMASAKI, Clerk of the Court
18WM05278

6 THE PEOPLE OF THE STATE OF CALIFORNIA,) COMPLAINT
7)

8 Plaintiff,)
9)

10 vs.)

No.

11 JAMIE LYNN GALLIAN
V8040742

11/16/62)

HBPD 18-004287

HBPD 18-004961

12 AKA JAMIE LYNN PETERS

HBPD 18-004985

13 JAMIE LYNN BARCLAY

HBPD 18-004936

14 JAMIE LYNN GALLIAN

DOMESTIC VIOLENCE

15 Defendant(s))

16 The Orange County District Attorney charges that in Orange
17 County, California, the law was violated as follows:

18 COUNT 1: On or about March 27, 2018, in violation of Section 166
19 (a) (4) of the Penal Code (DISOBEY COURT ORDER), a MISDEMEANOR,
20 JAMIE LYNN GALLIAN did willfully and unlawfully disobey the
21 terms of a process and court order lawfully issued on or about
22 02-14-2018 by the Superior Court, in and for the County of
23 ORANGE, State of CALIFORNIA, 30-201700962999, which lawfully
ordered VIOLATED TEMPORARY RESTRAINING ORDER BY CONTACTING AND
HARASSING VICTIM.

24 COUNT 2: On or about March 27, 2018, in violation of Section 166
25 (a) (4) of the Penal Code (DISOBEY COURT ORDER), a MISDEMEANOR,
26 JAMIE LYNN GALLIAN did willfully and unlawfully disobey the
27 terms of a process and court order lawfully issued on or about
28 02-14-2018 by the Superior Court, in and for the County of
ORANGE, State of CALIFORNIA, 30-201700962999, which lawfully
ordered VIOLATED TEMPORARY RESTRAINING ORDER BY CONTACTING AND
HARASSING VICTIM.

MISDEMEANOR COMPLAINT E-FILED (DA CASE# 18W04487) 06-25-2018
OC DNA NOT ON FILE; JAMIE GALLIAN

JAMIE LYNN GALLIAN HBPD 18-004287 PAGE 2

I declare under penalty of perjury, on information and belief,
that the foregoing is true and correct.

Dated 04-25-2018 at Orange County, California.
SB/SC 18W04487

TONY RACKAUCKAS, DISTRICT ATTORNEY

by: /s/ STEVEN BUNN
STEVEN BUNN, Deputy District Attorney

RESTITUTION CLAIMED

☐ None
☐ \$ _____
☒ To be determined


NOTICES:

The People request that defendant and counsel disclose, within
15 days, all of the materials and information described in Penal
Code section 1054.3, and continue to provide any later-acquired
materials and information subject to disclosure, and without
further request or order.

The People intend to proceed pursuant to Evidence Code sections
1101(b), 1107, 1109, and 1370.

Pursuant to Welfare & Institutions Code §827 and California Rule
of Court 5.552, notice is hereby given that the People will seek
a court order to disseminate the juvenile case file of the
defendant/minor, if any exists, to all parties in this action,
through their respective attorneys of record, in the prosecution
of this case.

MISDEMEANOR COMPLAINT E-FILED (DA CASE# 18W04487) 06-25-2018
OC DNA NOT ON FILE: JAMIE GALLIAN

	Incident/Investigation Report Huntington Beach Police Department Case Number: 2018-004287		APPROVED

Incident Information			
Date/Time Reported 03/27/2018 16:16	Date/Time Occurred 03/27/2018 16:00	Date/Time Discovered 03/27/2018 16:00	Officer (422153) GONZALES [REDACTED]
Incident Location 4469 CHASE DR, HUNTINGTON BEACH, CA 92649			Supervising Officer (421128) MUNOZ [REDACTED]
Location Comments		Beat 8	Reporting District 154
Case Status	Disposition	BWC / Digital Evidence YES	

Charges					
1	Charge Type State	Description CONTEMPT OF COURT-VIOLATE PROTECTIVE ORDER/ETC	Statute 166 (C)(1) PC	UCR 90Z	<input type="checkbox"/> Alt. <input checked="" type="checkbox"/> Com.
Alcohol, Drugs or Computers Used <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computers		Location Type RESIDENCE/HOME	Premises Entered <input type="checkbox"/> Yes <input type="checkbox"/> No	Forced Entry <input type="checkbox"/> Yes <input type="checkbox"/> No	
Entry	Exit	Criminal Activity			Weapons 1. 2. 3.
Bias Motivation		Bias Target	Bias Circumstances		Hate Group

Victims							
Seq. # 1	Type INDIVIDUAL	Injuries None			Victim of Crimes 1		
Name (Last, First, M) JASSO, JANINE BARBARA				Race W	Sex F	DOB [REDACTED]	Age 51
Height	Weight	Hair	Eye	Ethnicity		SSN	
Home Phone		Cell Phone [REDACTED]		Business Phone			
Address 4469 CHASE DR, HUNTINGTON BEACH, CA 92649						Huntington Beach Resident	
Employer Name/Address /						Occupation	
Email							

Printed by: [REDACTED] at 3/30/2018 04:37
Notice of Lodgment - Exhibit L - Page 1 of 5

Page 1 of 5

	Incident/Investigation Report		APPROVED
	Huntington Beach Police Department		
	Case Number: 2018-004287		

Victims							
Seq. # 2	Type INDIVIDUAL	Injuries None			Victim of Crimes 1		
Name (Last, First, M) JASSO, A [REDACTED] [JUVENILE]				Race W	Sex F	DOB [REDACTED]	Age 7
Height	Weight	Hair	Eye	Ethnicity		SSN	
Home Phone [REDACTED]		Cell Phone		Business Phone			
Address [REDACTED]						Huntington Beach Resident	
Employer Name/Address /						Occupation	
Email							

Suspects							
Seq. # 1	Type INDIVIDUAL	Name (Last, First, M) GALLIAN, JAMIE LYNN					
AKA [REDACTED]				Race W	Sex F	DOB [REDACTED]	Age 55
Height	Weight	Hair	Eye	Ethnicity		SSN	
Home Phone		Cell Phone [REDACTED]		Business Phone			
Address 4476 ALDERPORT DR, HUNTINGTON BEACH, CA 92649						Huntington Beach Resident	
Employer Name/Address [REDACTED] /						Occupation [REDACTED]	
Email							
Scars, Marks, Tattoos or other distinguishing features							
Physical Characteristics							



Incident/Investigation Report

Huntington Beach Police Department

Case Number: 2018-004287

APPROVED

Witnesses

Seq. # 1	Name (Last, First, M) ANDERSON, LYNNE	Race W	Sex F	DOB [REDACTED]	Age 53
Height [REDACTED]	Weight [REDACTED]	Hair BRO	Eye BRO	Ethnicity	SSN [REDACTED]
Home Phone [REDACTED]		Cell Phone		Business Phone	
Address 16137 WARMINGTON LN, HUNTINGTON BEACH, CA 92649					Huntington Beach Resident
Employer Name/Address /					Occupation
Email					

Witness Notes

Assisting Officers

(421016) FULTON [REDACTED]

Printed by: [REDACTED] at 3/30/2018 04:37

Page 3 of 5

Notice of Lodgment - Exhibit L - Page 3 of 5



Incident/Investigation Report
Huntington Beach Police Department
Case Number: 2018-004287

APPROVED

Notes/Narratives

On 03-27-18, I was working patrol for the city of Huntington Beach in the county of Orange. I was dressed in police uniform, wearing a police utility belt, and driving a marked, black and white police vehicle.

At approximately 1616 hours, I was dispatched to 4469 Chase Dr. regarding a restraining order violation. I arrived and contacted the victim, Janine JASSO, who in summary told me the following:

J. JASSO told me she is part of the board of directors for her HOA for the gated complex that she lives in. J. JASSO told me she has had several problems with Suspect Jamie GALLIAN that revolve around the HOA rules. The situation has gotten so severe that J. JASSO obtained a restraining order against GALLIAN along with five other board members.

I was able to confirm there was a valid restraining order that listed J. JASSO and A. JASSO as the protected parties and listed GALLIAN as the restrained person, Case No. 30-2017-00962999. The restraining order is valid until August 2018. A. JASSO is J. JASSO'S eight year old daughter. One of the conditions of the restraining order states that GALLIAN is not supposed to contact J. JASSO and/or A. JASSO. For further details, refer to the restraining order.

J. JASSO went on to tell me that on this date, at approximately 1600 hours, she was out in front of her property in the common area working on an HOA project near the grass. The project required her to videotape and record the grass in the common area. J. JASSO estimated that she was approximately 25 yards away from GALLIAN'S residence. J. JASSO told me she had no intention of contacting and/or interacting with GALLIAN.

As J. JASSO was concluding her project, she heard GALLIAN from her residence which is located at 4476 Alderport Dr. scream, "[REDACTED] get away from me." J. JASSO looked up and noticed GALLIAN was standing in the common walkway in front of her residence. J. JASSO estimated to the distance from her to GALLIAN was 25 yards. J. JASSO grabbed A. JASSO who was standing next to her and began escorting her away. J. JASSO stated she did not respond to GALLIAN. As she walked away, another neighbor who lives in the residential tract came up to her and asked her an HOA question regarding dogs. J. JASSO and A. JASSO began walking with this neighbor and did not see GALLIAN again. After J. JASSO spoke to the neighbor regarding the dogs, she decided to report the incident to the police.

I spoke to Victim No. 2, A. JASSO. A. JASSO told me she did not know what took place.

I was able to contact GALLIAN and had a cellphone conversation with her. GALLIAN told me she saw J. JASSO and A. JASSO approximately ten yards from her house. She "yelled" to A. JASSO that "her dad is dying and that she is wasting her time. She needs to be home with him because he is sick." I attempted to meet her in person so I could speak to her in depth about the incident and about the restraining order, but she



Incident/Investigation Report
Huntington Beach Police Department
Case Number: 2018-004287

APPROVED

Notes/Narratives

was uncooperative and very argumentative. GALLIAN would argue with me about what conditions were on the restraining order and informed me that she had court transcripts that negated the valid restraining order.

I was able to locate a witness, Lynne ANDERSON. ANDERSON told me she was with A. JASSO and J. JASSO when they were working on the project in the common area. ANDERSON told me she heard GALLIAN say, "Arielle, your daddy is dying, you better get home. Your mom is being selfish. Now get going." ANDERSON estimated GALLIAN was approximately 20 yards away from A. JASSO.

After ANDERSON heard the comment made to A. JASSO, ANDERSON stated a neighbor came up to J. JASSO and started asking her questions about dogs in the complex. ANDERSON stated J. JASSO did not respond to GALLIAN. J. JASSO and A. JASSO were seen walking away with the neighbor who had questions. ANDERSON last saw GALLIAN in the area of her residence.

CSI was not conducted due to there being no workable evidence.

I was unable to locate any security cameras that could have possibly recorded the conversation.

I request the Orange County District Attorney file the appropriate charges against GALLIAN.

No further details.

Printed by:

at 3/30/2018 04:37

Page 5 of 5

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

MINUTE ORDER

DATE: 02/14/2018

TIME: 09:00:00 AM

DEPT: C66

JUDICIAL OFFICER PRESIDING: Timothy J. Stafford

CLERK: Debby Lamm

REPORTER/ERM: Jennifer Gamulao CSR# 11689

BAILIFF/COURT ATTENDANT: J Mcmillion

CASE NO: 30-2017-00962999-CU-HR-CJC CASE INIT.DATE: 12/22/2017

CASE TITLE: The Huntington Beach Gables Homeowners Associates vs. Gallian

CASE CATEGORY: Civil - Unlimited CASE TYPE: Harassment

EVENT ID/DOCUMENT ID: 72744967

EVENT TYPE: Order to Show Cause re: Workplace Violence

APPEARANCES

Joyce J. Kapsal, from EPSTEN GRINNELL & HOWELL APC, present for Petitioner(s).

Frank Satalino, from Eagle Law Corp., present for Respondent(s).

Jamie Lynn Gallian, Respondent is present.

This matter came on regularly for hearing at this Court, and by mutual agreement of Petitioner The Huntington Beach Gables Homeowners Associates and Respondent Jamie Lynn Gallian, this matter has been referred to mediation.

Mediation was successful.

Pursuant to the signed stipulation, the parties agree to continue the case for six months.

Order to Show Cause re: Workplace Violence continued to 08/15/2018 at 09:00 AM in this department pursuant to party's motion.

The request to reissue the Temporary Restraining Order is granted. All orders contained in the Temporary Restraining Order shall stay in effect unless this order changes them. Reissue Temporary Restraining Order signed and filed this date.

Certified copy of Notice of Hearing with a Certified Copy of the Temporary Restraining Order personally served on Respondent by the Court this date.

DATE: 02/14/2018

MINUTE ORDER

DEPT: C66

Page 1
Calendar No.

14

DRPA

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE JUSTICE CENTER: <input checked="" type="checkbox"/> Central - 700 Civic Center Dr. West, Santa Ana, CA 92701-4045 <input type="checkbox"/> Harbor-Laguna Hills Facility-23141 Moulton Pkwy., Laguna Hills, CA 92653 <input type="checkbox"/> Harbor-Newport Beach Facility - 4601 Jamboree Rd., Newport Beach, CA 92660-2595 <input type="checkbox"/> North -1275 N. Berkeley Ave., P.O. Box 5000, Fullerton, CA 92838-0500 <input type="checkbox"/> West - 8141 13 th Street, Westminster, CA 92683-4593		FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA- COUNTY OF ORANGE FEB 14 2018 DAVID H. YAMASAKI, Clerk of the Court BY: <u>D. LAMM</u> DEPUTY
PLAINTIFF: <u>HUNTINGTON REACH GABLES HOMEOWNERS ASSO.</u> DEFENDANT: <u>JAMIE LYNN GALLIAN</u>		CASE NUMBER: <u>2017-00962999-CU-HR-CJ</u>
STIPULATION Civil Harassment		

IT IS STIPULATED by plaintiff: Huntington Beach Baffles Homeowners Association and
defendant: Tamie Lynn Galligan

☒ Parties agree to the terms stated below. This case shall be dismissed without prejudice, and if the defendant does not comply with the stipulation, the plaintiff must file a new case in order to obtain a restraining order.

Over the next three years, the case will be discussed with parents and students in the classroom. The case will be discussed with parents and students in the classroom. The case will be discussed with parents and students in the classroom.

PLAINTIFF AND DEFENDANT STIPULATE AS FOLLOWS:

☐ _____ agree(s) to stay at least (specify): _____ yards
away from: _____ and all other persons named in the Request for Order to Stop
Harassment _____

☐ _____ agree(s) to have no contact (directly or indirectly) with (name):
_____ and all other persons named in the Request for Orders to Stop Harassment.

☒ Other (specify):

The parties agree to a continuance of the hearing on the permanent restraining order for a period of 6 months.

All provisions of the TRO entered on Dec. 22, 2017, shall remain in full force & effect pending the hearing on the permanent restraining order.

All parties understand that they give up their rights to: (1) appeal; and (2) notice of dismissal. They further understand that this stipulation is not an actual restraining order and will not be enforced by any law enforcement agencies.

Date: 2-14-18

Date: 2-14-18

IT IS SO ORDERED

Judge of the Superior Court
TIMOTHY J. STAFFORD
STIPULATION - CIVIL HARASSMENT

(SIGNATURE OF BLANDET)

(SIGNATURE OF DESENER)

~~RIGHT~~

1 SUPERIOR COURT OF CALIFORNIA
2 COUNTY OF ORANGE, WEST JUSTICE CENTER

ELECTRONICALLY FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE

04/16/2018
03:05 PM

DAVID H. YAMASAKI, Clerk of the Court
19WM05479

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4
5
6 THE PEOPLE OF THE STATE OF CALIFORNIA,) COMPLAINT
7) BWC AGENCY
8 Plaintiff,)
9)

10 VS.

11 JAMIE LYNN GALLIAN 11/16/62) HBPD 18-005404
12 V8040742) HBPD 18-005758
13 AKA JAMIE LYNN PETERS) HBPD 18-006122
14 JAMIE GALLIAN-PIERPOINT) HBPD 18-006123
15 JAMIE LYNN BARCLAY) HBPD 18-006412
16) HBPD 18-006518
17) HBPD 18-006752
18 Defendant(s)) HBPD 18-006804
19) HBPD 18-006847
20) HBPD 18-007102

21 The Orange County District Attorney charges that in Orange
22 County, California, the law was violated as follows:

23 COUNT 1: On or about April 17, 2018, in violation of Section 166
24 (a) (4) of the Penal Code (DISOBEY COURT ORDER), a MISDEMEANOR,
25 JAMIE LYNN GALLIAN did willfully and unlawfully disobey the
26 terms of a process and court order lawfully issued on or about
27 February 14, 2018 by the Superior Court, in and for the County
28 of ORANGE, State of CALIFORNIA, 30-2017-00962999, which lawfully
ordered TO STAY AWAY FROM PROTECTED PARTY.

COUNT 2: On or about April 17, 2018, in violation of Section 166
(a) (4) of the Penal Code (DISOBEY COURT ORDER), a MISDEMEANOR,
JAMIE LYNN GALLIAN did willfully and unlawfully disobey the
terms of a process and court order lawfully issued on or about
February 14, 2018 by the Superior Court, in and for the County
of ORANGE, State of CALIFORNIA, 30-2017-00962999, which lawfully
ordered TO STAY AWAY FROM PROTECTED PARTY.

MISDEMEANOR COMPLAINT E-FILED (DA CASE# 19W04361) 06-17-2019
OC DNA NOT ON FILE: JAMIE GALLIAN

JAMIE LYNN GALLIAN HEPD 18-005404 PAGE 2

1 COUNT 3: On or about April 17, 2018, in violation of Section 166
2 (a)(4) of the Penal Code (DISOBEY COURT ORDER), a MISDEMEANOR,
3 JAMIE LYNN GALLIAN did willfully and unlawfully disobey the
4 terms of a process and court order lawfully issued on or about
5 February 14, 2018 by the Superior Court, in and for the County
6 of ORANGE, State of CALIFORNIA, 30-2017-00962999, which lawfully
7 ordered TO STAY AWAY FROM PROTECTED PARTY.

8 COUNT 4: On or about May 05, 2018, in violation of Section 166
9 (a)(4) of the Penal Code (DISOBEY COURT ORDER), a MISDEMEANOR,
10 JAMIE LYNN GALLIAN did willfully and unlawfully disobey the
11 terms of a process and court order lawfully issued on or about
12 February 14, 2018 by the Superior Court, in and for the County
13 of ORANGE, State of CALIFORNIA, 30-2017-00962999, which lawfully
14 ordered TO STA AWAY FROM PROTECTED PARTY.

15 COUNT 5: On or about May 05, 2018, in violation of Section 166
16 (a)(4) of the Penal Code (DISOBEY COURT ORDER), a MISDEMEANOR,
17 JAMIE LYNN GALLIAN did willfully and unlawfully disobey the
18 terms of a process and court order lawfully issued on or about
19 February 14, 2018 by the Superior Court, in and for the County
20 of ORANGE, State of CALIFORNIA, 30-2017-00962999, which lawfully
21 ordered TO STAY AWAY FROM PROTECTED PARTY.

22 COUNT 6: On or about May 12, 2018, in violation of Section 166
23 (a)(4) of the Penal Code (DISOBEY COURT ORDER), a MISDEMEANOR,
24 JAMIE LYNN GALLIAN did willfully and unlawfully disobey the
25 terms of a process and court order lawfully issued on or about
26 February 14, 2018 by the Superior Court, in and for the County
27 of ORANGE, State of CALIFORNIA, 30-2017-00962999, which lawfully
28 ordered TO STAY AWAY FROM PROTECTED PARTY.

29 COUNT 7: On or about April 17, 2018, in violation of Section 166
30 (a)(4) of the Penal Code (DISOBEY COURT ORDER), a MISDEMEANOR,
31 JAMIE LYNN GALLIAN did willfully and unlawfully disobey the
32 terms of a process and court order lawfully issued on or about
33 February 14, 2018 by the Superior Court, in and for the County
34 of ORANGE, State of CALIFORNIA, 30-2017-00962999, which lawfully
35 ordered TO STAY AWAY FROM PROTECTED PARTY.

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MISDEMEANOR COMPLAINT E-FILED (DA CASE# 19W04361) 06-17-2019
OC DNA NOT ON FILE: JAMIE GALLIAN

JAMIE LYNN GALLIAN HEPD 18-005404 PAGE 3

1 COUNT 8: On or about April 17, 2018, in violation of Section 166
2 (a)(4) of the Penal Code (DISOBEY COURT ORDER), a MISDEMEANOR,
3 JAMIE LYNN GALLIAN did willfully and unlawfully disobey the
4 terms of a process and court order lawfully issued on or about
5 February 14, 2018 by the Superior Court, in and for the County
6 of ORANGE, State of CALIFORNIA, 30-2017-00962999, which lawfully
7 ordered TO STAY AWAY FROM PROTECTED PARTY.

8 COUNT 9: On or about May 19, 2018, in violation of Section 166
9 (a)(4) of the Penal Code (DISOBEY COURT ORDER), a MISDEMEANOR,
10 JAMIE LYNN GALLIAN did willfully and unlawfully disobey the
11 terms of a process and court order lawfully issued on or about
12 February 14, 2018 by the Superior Court, in and for the County
13 of ORANGE, State of CALIFORNIA, 30-2017-00962999, which lawfully
14 ordered TO STAY AWAY FROM PROTECTED PARTY.

15 COUNT 10: On or about May 20, 2018, in violation of Section 166
16 (a)(4) of the Penal Code (DISOBEY COURT ORDER), a MISDEMEANOR,
17 JAMIE LYNN GALLIAN did willfully and unlawfully disobey the
18 terms of a process and court order lawfully issued on or about
19 February 14, 2018 by the Superior Court, in and for the County
20 of ORANGE, State of CALIFORNIA, 30-2017-00962999, which lawfully
21 ordered TO STAY AWAY FROM PROTECTED PARTY.

22 COUNT 11: On or about May 26, 2018, in violation of Section 166
23 (a)(4) of the Penal Code (DISOBEY COURT ORDER), a MISDEMEANOR,
24 JAMIE LYNN GALLIAN did willfully and unlawfully disobey the
25 terms of a process and court order lawfully issued on or about
26 February 14, 2018 by the Superior Court, in and for the County
27 of ORANGE, State of CALIFORNIA, 30-2017-00962999, which lawfully
28 ordered TO STAY AWAY FROM PROTECTED PARTY.

29 COUNT 12: On or about May 31, 2018, in violation of Section 166
30 (a)(4) of the Penal Code (DISOBEY COURT ORDER), a MISDEMEANOR,
31 JAMIE LYNN GALLIAN did willfully and unlawfully disobey the
32 terms of a process and court order lawfully issued on or about
33 February 14, 2018 by the Superior Court, in and for the County
34 of ORANGE, State of CALIFORNIA, 30-2017-00962999, which lawfully
35 ordered TO STAY AWAY FROM PROTECTED PARTY.

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MISDEMEANOR COMPLAINT E-FILED (DA CASE# 19W04361) 06-17-2019
OC DNA NOT ON FILE: JAMIE GALLIAN

JAMIE LYNN GALLIAN HBPD 18-005404 PAGE 4

1 COUNT 13: On or about June 01, 2018, in violation of Section 166
2 (a)(4) of the Penal Code (DISOBEY COURT ORDER), a MISDEMEANOR,
3 JAMIE LYNN GALLIAN did willfully and unlawfully disobey the
4 terms of a process and court order lawfully issued on or about
5 February 14, 2018 by the Superior Court, in and for the County
6 of ORANGE, State of CALIFORNIA, 30-2017-00962999, which lawfully
7 ordered TO STAY AWAY FROM PROTECTED PARTY.

8 COUNT 14: On or about June 02, 2018, in violation of Section 166
9 (a)(4) of the Penal Code (DISOBEY COURT ORDER), a MISDEMEANOR,
10 JAMIE LYNN GALLIAN did willfully and unlawfully disobey the
11 terms of a process and court order lawfully issued on or about
12 February 14, 2018 by the Superior Court, in and for the County
13 of ORANGE, State of CALIFORNIA, 30-2017-00962999, which lawfully
14 ordered TO STAY AWAY FROM PROTECTED PARTY.

15 COUNT 15: On or about June 26, 2018, in violation of Section 166
16 (a)(4) of the Penal Code (DISOBEY COURT ORDER), a MISDEMEANOR,
17 JAMIE LYNN GALLIAN did willfully and unlawfully disobey the
18 terms of a process and court order lawfully issued on or about
19 February 14, 2018 by the Superior Court, in and for the County
20 of ORANGE, State of CALIFORNIA, 30-2017-00962999, which lawfully
21 ordered TO STAY AWAY FROM PROTECTED PARTY.

22 COUNT 16: On or about June 26, 2018, in violation of Section 166
23 (a)(4) of the Penal Code (DISOBEY COURT ORDER), a MISDEMEANOR,
24 JAMIE LYNN GALLIAN did willfully and unlawfully disobey the
25 terms of a process and court order lawfully issued on or about
26 February 14, 2018 by the Superior Court, in and for the County
27 of ORANGE, State of CALIFORNIA, 30-2017-00962999, which lawfully
28 ordered TO STAY AWAY FROM PROTECTED PARTY.

29 COUNT 17: On or about June 26, 2018, in violation of Section 166
30 (a)(4) of the Penal Code (DISOBEY COURT ORDER), a MISDEMEANOR,
31 JAMIE LYNN GALLIAN did willfully and unlawfully disobey the
32 terms of a process and court order lawfully issued on or about
33 February 14, 2018 by the Superior Court, in and for the County
34 of ORANGE, State of CALIFORNIA, 30-2017-00962999, which lawfully
35 ordered TO STAY AWAY FROM PROTECTED PARTY.

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MISDEMEANOR COMPLAINT E-FILED (DA CASE# 19W04361) 06-17-2019
OC DNA NOT ON FILE: JAMIE GALLIAN

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER**

MINUTE ORDER

DATE: 04/18/2018

TIME: 01:30:00 PM

DEPT: C66

JUDICIAL OFFICER PRESIDING: Timothy J. Stafford

CLERK: Debby Lamm

REPORTER/ERM: None

BAILIFF/COURT ATTENDANT: J Mcmillon

CASE NO: 30-2018-00986785-CU-HR-CJC CASE INIT.DATE: 04/18/2018

CASE TITLE: Jasso vs. Gallian

CASE CATEGORY: Civil - Unlimited CASE TYPE: Harassment

EVENT ID/DOCUMENT ID: 72795364,105375150

EVENT TYPE: Ex Parte Temporary Restraining Order

MOVING PARTY: Janine Barbara Jasso

CAUSAL DOCUMENT/DATE FILED: Request for Civil Harassment Restraining Orders, 04/18/2018

APPEARANCES

Ex-Parte application for TRO is requested by Petitioner.

Request for Order to Stop Harassment is read and considered.

The Court orders temporary restraining order granted as to Jamie L. Gallian. Order to Show Cause re: Civil Harassment set for 05/09/2018 at 09:00AM in C66. All orders to remain in full force and effect pending date of hearing with NO stay away order (Peaceful Contact Only - Parties are neighbors).

Court orders Petitioner to give notice.

DATE: 04/18/2018

MINUTE ORDER

DEPT: C66

Page 1
Calendar No.

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER**

MINUTE ORDER

DATE: 05/09/2018 TIME: 09:00:00 AM DEPT: C66

JUDICIAL OFFICER PRESIDING: Timothy J. Stafford

CLERK: Debby Lamm

REPORTER/ERM: Glenn Miller CSR# 12265

BAILIFF/COURT ATTENDANT: J Mcmillion

CASE NO: **30-2018-00986785-CU-HR-CJC** CASE INIT.DATE: 04/18/2018

CASE TITLE: **Jasso vs. Galian**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Harassment

EVENT ID/DOCUMENT ID: 72795901

EVENT TYPE: Order to Show Cause re: Civil Harassment

APPEARANCES

Janine Barbara Jasso, self represented Petitioner, present.

Jamie L. Galian, self represented Respondent, present.

Michael Sean Devereux, Esq. present with Respondent.

Motion to continue by Respondent is Granted.

Order to Show Cause re: Civil Harassment continued to 06/20/2018 at 09:00 AM in this department pursuant to party's motion.

The request to reissue the Temporary Restraining Order is granted. All orders contained in the Temporary Restraining Order shall stay in effect unless this order changes them. Reissue Temporary Restraining Order signed and filed this date.

Petitioner to give a complete copy of all documents filed for the TRO at least ten (10) days prior to the continued hearing.

Certified copy of Notice of Hearing with a Certified Copy of the Temporary Restraining Order personally served on Respondent by the Court this date.

DATE: 05/09/2018

MINUTE ORDER

Page 1

DEPT: C66

Calendar No.

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

MINUTE ORDER

DATE: 06/20/2018 TIME: 09:00:00 AM DEPT: C66

JUDICIAL OFFICER PRESIDING: Timothy J. Stafford

CLERK: Debby Lamm

REPORTER/ERM: Glenn Miller CSR# 12265

BAILIFF/COURT ATTENDANT: J Mcmillion

CASE NO: **30-2018-00986785-CU-HR-CJC** CASE INIT.DATE: 04/18/2018

CASE TITLE: **Jasso vs. Gallian**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Harassment

EVENT ID/DOCUMENT ID: 72810255

EVENT TYPE: Order to Show Cause re: Civil Harassment

APPEARANCES

Martina A. Teinert, from Vigil Defense Law Firm, PC, present for Petitioner(s).

Janine Barbara Jasso, Petitioner is present.

Jamie L. Gallian, self represented Respondent, present.

Michael Sean Devereux, Esq. present with Respondent.

The Court on its own motion had to continue the hearing due to time restraints.

Order to Show Cause re: Civil Harassment continued to 08/15/2018 at 09:00 AM in this department.

The request to reissue the Temporary Restraining Order is granted. All orders contained in the Temporary Restraining Order shall stay in effect unless this order changes them. Reissue Temporary Restraining Order signed and filed this date.

Certified copy of Notice of Hearing with a Certified Copy of the Temporary Restraining Order personally served on Respondent by the Court this date.

DATE: 06/20/2018

MINUTE ORDER

Page 1

DEPT: C66

Calendar No.

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER**

MINUTE ORDER [X] Amended on 08/13/2018

DATE: 08/13/2018

TIME: 10:54:00 AM

DEPT: C66

JUDICIAL OFFICER PRESIDING: Sheila Recio

CLERK: Debby Lamm

REPORTER/ERM: None

BAILIFF/COURT ATTENDANT:

CASE NO: **30-2018-00986785-CU-HR-CJC** CASE INIT.DATE: 04/18/2018

CASE TITLE: **Jasso vs. Gallian**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Harassment

EVENT ID/DOCUMENT ID: 72869601

EVENT TYPE: Chambers Work

APPEARANCES

There are no appearances by any party.

The Court notes several cases that are related to each other: 30-2018-00986785 Jasso vs. Gallian; 30-2017-00962999 The Huntington Beach Gables vs. Gallian; 30-2018-01011004 Gaillian vs. Jasso and 30-2018-01011440 Gallian vs. The Huntington Beach Gables.

The Court on its own motion orders the following:

The Order to Show Cause re: Civil Harassment set for 08/15/2018 at 9:00 AM in C-66 is reset to 08/31/2018 at 09:00 AM in Department C-66.

All orders contained in the Temporary Restraining Order shall stay in effect unless this order changes them.

Court orders Clerk to give notice.

DATE: 08/13/2018

MINUTE ORDER

Page 1

DEPT: C66

Calendar No.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE Central Justice Center 700 W. Civic Center Drive Santa Ana, CA 92702	
SHORT TITLE: Jasso vs. Gallian	
CLERK'S CERTIFICATE OF SERVICE BY MAIL	CASE NUMBER: 30-2018-00986785-CU-HR-CJC

I certify that I am not a party to this cause. I certify that a true copy of Certified Copy of Order Renewing Civil Harassment Restraining Order dated 08/15/18 was mailed following standard court practices in a sealed envelope with postage fully prepaid, addressed as indicated below. The mailing and this certification occurred at Santa Ana, California, on 08/16/2018.

Clerk of the Court, by: *Ruby Lewis*, Deputy

JANINE B JASSO
4469 CHASE DRIVE
HUNTINGTON BEACH, CA 92649 US

JAMIE L GALLIAN
4476 ALDERPORT DRIVE
HUNTINGTON BEACH, CA 92649 US

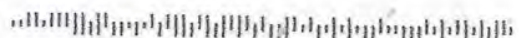
Superior Court of California
County of Orange
Probate/Mental Health Division
Civic Center Drive West
Santa Ana, California 92701

US POSTAGE \$000.47



ZIP 92701

9264932266 COC4



SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE Central Justice Center 700 W. Civic Center Drive Santa Ana, CA 92702	
SHORT TITLE: Jasso vs. Gallian	
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I certify that I am not a party to this cause. I certify that a true copy of Certified Copy of Order Renewing Civil Harassment Restraining Order dated 08/15/18 was mailed following standard court practices in a sealed envelope with postage fully prepaid, addressed as indicated below. The mailing and this certification occurred at Santa Ana, California, on 08/16/2018.

Clerk of the Court, by: *Mary Lewis*, Deputy

JANINE B JASSO
4469 CHASE DRIVE
HUNTINGTON BEACH, CA 92649 US

JAMIE L GALLIAN
4476 ALDERPORT DRIVE
HUNTINGTON BEACH, CA 92649 US

CLERK'S CERTIFICATE OF SERVICE BY MAIL

CH-116

**Order on Request to Continue
Hearing**

Complete items ①, ②, and ③ only.

① Protected Person

Full Name: Janine Barbara Jasso

② Restrained Party

Full Name: Jamie L. Gallian

③ Party Seeking Continuance

I am the ☐ protected party ☐ restrained party

Your Lawyer (if you have one for this case):

Name: N/A State Bar No.: _____

Firm Name: _____

Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____ E-Mail: _____

The court will complete the rest of this form.

④ Order on Request for Continuance

a. The hearing in this matter is currently scheduled for (date): August 15, 2018 at (time): 9:00 AM

b. ☐ The request for a continuance is DENIED for the reasons set forth ☐ below ☐ on Attachment 4b

The hearing shall be held as currently scheduled in a, above. The *Temporary Restraining Order* (Form CH-110) issued on (date): _____ remains in full force and effect until the hearing date.

c. ☒ The request for a continuance is GRANTED as set forth below.

⑤ Order Granting Continuance and Notice of New Hearing

The court hearing on the *Request for Civil Harassment Restraining Orders* (form CH-100) is continued and rescheduled as follows:

New
Hearing
Date

→ Date: 08/31/2018 Time: 9:00 AM

Dept.: C-66 Room: _____

Name and address of court if different from above:

The extended *Temporary Restraining Order* (form CH-110) expires at the end of this hearing.

Clerk stamps date here when form is filed.

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
JUSTICE CENTER

AUG 15 2018

DAVID H. YAMAGAKI, Clerk of the Court

BY: J. GAYTAN DEPUTY

Fill in court name and street address:

Superior Court of California, County of
Orange
700 Civic Center Drive West
Santa Ana, Ca 92701

Fill in case number:

Case Number:
30-2018-00986785-CU-HR-CJC

This is a Court Order.



Case Number:
30-2018-00986785-CU-HR-CJC

6 Reason for the Continuance

a. The continuance is needed because:

- (1) ☐ The person in (2) was not served before the current hearing date.
(2) ☐ The person in (2) asked for a first continuance of the hearing.
(3) ☐ The person in (2) asked for more time to hire a lawyer or prepare a response.
(4) ☐ Other good cause as stated ☐ below ☐ on Attachment 6a(4)

b. ☒ The court finds good cause and orders a continuance in its discretion.

7 Extension of Temporary Restraining Order

a. ☐ No Temporary Restraining Order was issued in this case.

b. ☒ Extension of the *Temporary Restraining Order* (TRO; Form CH-110) issued on (date): 04/18/18
until the new hearing date is:

- (1) ☒ GRANTED. There are no changes to the TRO except for the expiration date. The TRO remains in effect until the end of the hearing in (5).
(2) ☐ GRANTED AS MODIFIED. The TRO is modified. See the attached amended Form CH-110, *Temporary Restraining Order*. All orders on the attached Order remain in effect until the end of the hearing in (5).
(3) ☐ DENIED and the TRO is TERMINATED for the reasons stated:
☐ below ☐ on Attachment 7b(3)

Warning and Notice to the Person in (2)

If (7) b(1) or b(2) is checked, you must continue to obey the Temporary Restraining Order until it expires at the end of the hearing scheduled in (5).

8 ☐ Other Orders (specify):

☐ Other orders are attached at the end of this Order on Attachment 8.

This is a Court Order.

Case Number:
30-2018-00986785-CU-HR-CJC

9 Service of Order

- a. ☐ No further service of this Order is required because both parties were present at the initial hearing in item 4a, and both were given a signed copy of this Order.
- b. ☐ The court granted the person in (1)'s request to continue the hearing date. A copy of this Order must be served on the person in (2) at least ____ days before the hearing in (5).
- (1) ☐ All other documents requesting civil harassment restraining orders as shown in Form CH-109, *Notice of Court Hearing*, item (5) must be personally served on the person in (2).
- (2) ☐ The *Temporary Restraining Order* (Form CH-110) has been modified and must be personally served on the person in (2).
- (3) ☐ A copy of the *Temporary Restraining Order* must NOT be served because extension of the order is denied in item 7b(3).
- c. ☐ The court granted the person in (2)'s request to continue the hearing date. A copy of this Order must be served on the person in (1) at least ____ days before the hearing in (5). A copy of the *Temporary Restraining Order* (form CH-110) must be personally served if it was modified by the court in item 7b(2).
- d. ☐ All documents must be personally served unless otherwise specified below.

☒ Clerk's office to give notice.

10 Mandatory Entry of Order Into CARPOS Through CLETS

If a continuance is granted, the court or its designee will transmit this form within one business day to law enforcement personnel for entry into the California Restraining and Protective Order System (CARPOS) via the California Law Enforcement Telecommunications System (CLETS).

Date:

8/15/18


Judicial Officer
Sheila Recio



Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to www.courts.ca.gov/forms.htm for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—



I certify that this *Order on Request to Continue Hearing* is a true and correct copy of the original on file in the court.

DAVID H. YAMASAKI

Date: **AUG 15 2018** Clerk, by  Deputy

J. GAYTAN

This is a Court Order.

Revised July 1, 2018

Order on Request to Continue Hearing (CLETS-TCH)
(Civil Harassment Prevention)

CH-116, Page 3 of 3

Himert, Erik

From: Himert, Erik
Sent: Tuesday, August 28, 2018 6:54 AM
To: Janine Jasso
Subject: RE: RE: RE: Attached WV TRO Form WV 116 extension order extending tro valid until 083118

Janine,

I can only suggest you follow the courts advice regarding the service issue with the TRO's.

As I have explained in the past, I cannot take the video or pictures you have sent with your email. If those are related to a case you need to come to the station and have the desk officer take a supplemental report so he can process your statements, photos and video properly.

They will make their way up to my desk and I will review and handle them accordingly.

I won't be able to make phone calls to try and fix the TRO status issues with the court. I have 3 meetings this morning I have to attend to and other cases that need immediate attention.

Detective E. Himert #1145

Detective Bureau
Huntington Beach Police Department
2000 Main Street
Huntington Beach, CA 92648
Desk 714-536-5963
Fax 714-536-2895
ehimert@hbpd.org

From: Janine Jasso [mailto:j9_jasso@yahoo.com]
Sent: Tuesday, August 28, 2018 6:01 AM
To: Himert, Erik
Subject: Re: RE: RE: Attached WV TRO Form WV 116 extension order extending tro valid until 083118

Dear Det. Himert,

Thank you. Spent the day at the courthouse yesterday. The court clerk and the filing dept don't know what to do either. One person suggested the HOA serve her through the sheriff's personally, but we don't have time to get that done before this Friday's hearing. Ms. Gallian left the property yesterday and we don't know when she will return. Can the hard copies of the proofs of service be acceptable for the police reports. Also, the Court clerk, Debi Lamm for Dept C-66 believed the courthouse computer should be viewed by CLETS. She said they should be working perfectly, because there hasn't been a problem with other cases that had a court extension occur. Any chance you could call Ms. Lamm and confirm with her that Ms. Gallian was properly served the extension? Dept C-66 phone number is 657-622-6878.

I guess I had a sick feeling in my stomach for a reason. My mom called it "sick sense". Saturday, August 25th, the police report numbers for Ms. Gallian violating the 30-foot stay away order (since August 15th) are Police Report #18-012662 (mine and Ted), #18-012723 (Ms Jennifer Paulin), #18-012785 (Mr. Lee Gragnano). When she got between Lee's car and the neighbor's, she actually crouched down, hiding while she watched Ted and then moved right at him when he was stepped towards the pool gazebo. I was already in the pool gazebo when this happened. Please note, Ted Phillips, our oldest Board member at 82, can't run from Ms.

From: Janine Jasso [mailto:j9_jasso@yahoo.com]
Sent: Thursday, August 23, 2018 5:51 AM
To: Himert, Erik
Subject: Re: RE: Attached WV TRO Form WV 116 extension order extending tro valid until 083118

Dear Det. Himert,

The attorney for the HOA spoke with the court clerk and the filing clerk. It appears they saw the issue and have "fixed" it in the computer system. Do you mind checking to see if the WV TRO is now showing served? My understanding from the Court and the HOA attorneys is that the WV TRO should show valid continuously through August 31, 2018, with no break. The WV TRO is the one that has the 30-foot stay away order and no contact order that Ms. Gallian has violated the most. At one hearing, Ms. Gallian asked the judge which order is she supposed to follow over the other others. The Court told Ms. Gallian that she has to follow all of the court orders and that the most strict has the highest level of priority. So, from my understanding, the WV TRO stay away order and no contact order had to be followed even if another separate order said peaceful contact only. I think the court's website says this too.

Thank you for all the time you are spending on this, as we know you have a lot of cases,

Janine

P: 213-247-6030

F: 413-723-1540

CONFIDENTIALITY NOTICE: This communication constitutes an electronic communication within the meaning of the Electronic Communications Privacy Act [18 USC 2510] and it is intended to be received and read only by certain individuals for their sole use and benefit. This e-mail and any files transmitted with it are the property of Janine Jasso, Esq. and/or affiliates, are confidential. Any other use retention, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited. It may contain information that is privileged or protected from disclosure by law. Receipt by anyone other than the intended recipient does not constitute a loss of the confidential or privileged nature of the communication. Any review or distribution by others is strictly prohibited. If it has been misdirected, or if you suspect you have received this in error, please notify me by replying and then delete both the message and reply immediately from your computer. Thank you.

On Wednesday, August 22, 2018, 12:08:28 PM PDT, Janine Jasso <j9_jasso@yahoo.com> wrote:

Okay, I called and left a voicemail message for Dept. C-66 Court clerk, but I think I should go to the courthouse filing window and see what they can do to fix this quickly. I will follow up with you as soon as possible.

Safety first for all of us and you and your team!

Thank you,

Janine

P: 213-247-6030

F: 413-723-1540

CONFIDENTIALITY NOTICE: This communication constitutes an electronic communication within the meaning of the Electronic Communications Privacy Act [18 USC 2510] and it is intended to be received and read only by certain individuals for their sole use and benefit. This e-mail and any files transmitted with it are the property of Janine Jasso, Esq. and/or affiliates, are confidential. Any other use retention, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited. It may contain information that is privileged or protected from disclosure by law. Receipt by anyone other than the intended recipient does not constitute a loss of the confidential or privileged nature of the communication. Any review or distribution by others is strictly prohibited. If it has been misdirected, or if you suspect you have received this in error, please notify me by replying and then delete both the message and reply immediately from your computer. Thank you.

On Wednesday, August 22, 2018, 11:51:44 AM PDT, Himert, Erik <E.Himert@hbpd.org> wrote:

Janine,

I just checked once again and the court system still shows that this order and your civil harassment orders have not been served. There appears to be some type of issue with Central Court as to why they have not updated this information in their system.

My recommendation would be take the paperwork you have emailed me and address this with Central Court as soon as possible and have them fix this. In looking at the minute order, it is dated 8/13/18 and the court clerks service was on 8/14/18. The issue dates for the workplace violence order and your civil harassment order are on 8/15/18.

Our records clerks and dispatchers rely on this information when officers investigate TRO violations.

Detective E. Himert #1145

Detective Bureau
Huntington Beach Police Department
2000 Main Street
Huntington Beach, CA 92648
Desk 714-536-5963
Fax 714-536-2895
ehimert@hbpd.org

From: Janine Jasso [mailto:j9_jasso@yahoo.com]
Sent: Wednesday, August 22, 2018 11:24 AM
To: Himert, Erik
Subject: Attached WV TRO Form WV 116 extension order extending tro valid until 083118

Dear Det. Himert,

The HOA attorneys sent me the actual original WV 116 reissuance of the WV TRO. They asked me to deliver it to HBPd. I have attached it here. Would you please give it to your records dept or should I bring it in myself? It shows the extension of original WV TRO and a proof of service from the court clerk on 8/16/18.

18-007198

08/23/18 13:54:53

6568 4804

IH

IH

RE:QHA.CA0301000.NAM/GALLIAN, JAM

DATE:20180823 TIME:13:54:53

RESTRICTED-DO NOT USE FOR EMPLOYMENT, LICENSING OR CERTIFICATION PURPOSES

ATTN:421805 18-007198 CRT PKG

RECORD #

NAM

DOB

S R HGT EYE HAI TYP

H12074595 GILLHAM, JAMIE

19640411 F X 507 BLU BLN APP

H12609286 GILLIN, JAMIE LYNNE

19620505 F X 504 BRO BRO APP

A12606238 GILLAM, JAMIE MARIE

19621211 F X 506 HAZ BLN APP

A08060311 GELEN, JAMIE BURGAL

19630123 M W 509 BRO BRO

A09292840 GALLINA, JAMIE LETITIA

19630321 F W 503 BRO BRO

* * * * * END OF MESSAGE * * * * *

Case 18W16866L : pg 849

08/23/18 13:59:23

6568 4805

IH

IH

RE: QHN.CA0301000.OLN/V8040742.RTE DATE:20180823 TIME:13:59:23

ATTN:421805 18-007198 CRT PKG

* * *

NO HIT BUREAU OF CRIMINAL IDENTIFICATION FILES

* * * END OF MESSAGE

Case 18W16866L : pg 850

08/23/18 13:54:05
6568 4803
ID
ID
DATE:08-23-18*TIME:13:54*
DMV RECORD FOR LAW ENFORCEMENT USE ONLY
DL/NO:V8040742*B/D:11-16-1962*NAME:GALLIAN JAMIE LYNN*
MAIL ADDR AS OF 04-10-18:4476 ALDERPORT DR HUNTINGTON BH 92649*
OTH/ADDR AS OF 04-14-09:1136 BUCKINGHAM DR B COSTA MESA *
AKA:PETERS JAMIE LYNN*
AKA:BARCLAY JAMIE LYNN*
IDENTIFYING INFORMATION:
SEX:FEMALE*HAIR:BROWN*EYES:BLU*HT:5-09*WT:145*
LIC/ISS:04-10-18*EXPIRES:11-16-22*CLASS:C NON-COMMERCIAL*
ENDORSEMENTS:NONE*
LATEST APP:
DL TYPE:RENEWAL*ISS/DATE: 04-10-18*OFFICE: SPC*BATES:LIS*
LICENSE STATUS:
VALID*
DEPARTMENTAL ACTIONS:
NONE
CONVICTIONS:
NONE
FAILURES TO APPEAR:
NONE
ACCIDENTS:
NONE
END

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

MINUTE ORDER

DATE: 08/31/2018 TIME: 09:00:00 AM DEPT: C66

JUDICIAL OFFICER PRESIDING: Sheila Recio

CLERK: Debby Lamm

REPORTER/ERM: Janice Arnold CSR# 3307

BAILIFF/COURT ATTENDANT: J McMillion

CASE NO: **30-2018-00986785-CU-HR-CJC** CASE INIT.DATE: 04/18/2018

CASE TITLE: **Jasso vs. Gallian**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Harassment

EVENT ID/DOCUMENT ID: 72869613

EVENT TYPE: Order to Show Cause re: Civil Harassment

APPEARANCES

Janine Barbara Jasso, self represented Petitioner, present.

Michael Sean Devereux, from WEX Law, present for Respondent(s).

Jamie L. Gallian, Respondent is present.

Martina A. Teinert, Esq. present with Respondent

Motion to continue by Martina A. Teinert is Granted, over Jamie Lynn Gallian's objection.

Order to Show Cause re: Civil Harassment continued to 09/21/2018 at 09:00 AM in this department pursuant to party's motion.

The request to reissue the Temporary Restraining Order is granted. All orders contained in the Temporary Restraining Order shall stay in effect unless this order changes them. Reissue Temporary Restraining Order signed and filed this date.

Certified Copy of the Notice of Hearing with a Certified Copy of the Temporary Restraining Order served on Respondent by the Court this date.

DATE: 08/31/2018

MINUTE ORDER

Page 1

DEPT: C66

Calendar No.

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

MINUTE ORDER

DATE: 09/21/2018 TIME: 09:00:00 AM DEPT: C66
JUDICIAL OFFICER PRESIDING: Frederick P. Horn
CLERK: M. Griego
REPORTER/ERM: (ACRPT) Janice Arnold CSR# 3307
BAILIFF/COURT ATTENDANT: J McMillion

CASE NO: **30-2018-00986785-CU-HR-CJC** CASE INIT.DATE: 04/18/2018
CASE TITLE: **Jasso vs. Gallian**
CASE CATEGORY: Civil - Unlimited CASE TYPE: Harassment

EVENT ID/DOCUMENT ID: 72895144

EVENT TYPE: Motion for SLAPP

MOVING PARTY: Janine Barbara Jasso

CAUSAL DOCUMENT/DATE FILED: Motion for SLAPP, 09/20/2018

EVENT ID/DOCUMENT ID: 72885861

EVENT TYPE: Order to Show Cause re: Civil Harassment

MOVING PARTY: Janine Barbara Jasso

CAUSAL DOCUMENT/DATE FILED: Motion for SLAPP, 09/20/2018

APPEARANCES

Janine Barbara Jasso, self represented Petitioner, present.

Michael Sean Devereux, from WEX Law, present for Respondent(s).

Jamie L. Gallian, Respondent is present.

Attorney Martina A. Teinert, present with Petitioner

The following cases are related and are being heard together for calendaring purposes only

30 2018 00986785 Janine Barbara Jasso vs. Jamie L. Gallian

30 2018 01011004 Jamie Lynn Gallian vs. Jesus Jasso Jr.

30 2017 00962999 The Huntington Beach Gables Homeowners Associates vs. Jamie Lynn Gallian

Petitioner's Motion to strike/SLAPP petition is read and considered.

The Court finds that the Slapp motion was just filed on 9/20/18 and the Court is not able to proceed with the motion at this time.

The Court gives counsel an opportunity to come up with another date in order to have the motion ruled on before proceeding with the Order to show cause re Civil Harassment hearing.

The Court puts this matter on second call at this time in order to proceed on other pending hearings.

Matter is trailed until 1:30 pm.

DATE: 09/21/2018
DEPT: C66

MINUTE ORDER

Page 1
Calendar No.

CASE TITLE: Jasso vs. Gallian

CASE NO: 30-2018-00986785-CU-HR-CJC

At 1:30 pm, all parties are present as before

Case is recalled off the record.

Motion for SLAPP is continued to 11/29/2018 at 01:30 PM in this department

Order to Show Cause re: Civil Harassment is continued to 12/07/2018 at 09:00 AM in this department

The Temporary Restraining Order issued on 4/18/18 remains in effect until the continued date.

Certified Copy of the Notice of Hearing with a Certified Copy of the Temporary Restraining Order served on Respondent by the Court this date.

Parties waive notice.

DATE: 09/21/2018
DEPT: C66

MINUTE ORDER

Page 2
Calendar No.

SUPERIOR COURT OF THE STATE OF CALIFORNIA,
COUNTY OF ORANGE
MINUTES

Case : 18WM05278 M A
Name : Gallian, Jamie Lynn

Date of Action	Seq Nbr	Code	Text
-------------------	------------	------	------

10/31/18	1	HHELD	Hearing held on 10/31/2018 at 08:30:00 AM in Department W18 for Pre Trial.
	2	OFJUD	Judicial Officer: Terri K Flynn-Peister, Judge
	3	OFJA	Clerk: R. Nagle
	4	OFBAL	Bailiff: J. Palacios
	5	TRPRT	Proceedings recorded electronically.
	6	APDDA	People represented by Jeremy Hudson, Deputy District Attorney, present.
	7	APNDC	Defendant not present in Court represented by Michael Sean Devereux, Retained Attorney.
	8	WV977	Defendant's appearance is waived pursuant to Penal Code 977(a).
	9	CTAMT	Original Complaint amended by interlineation to read to vacate the words domestic violence from the complaint.
	10	FICON	Request for Continuance - Misdemeanor filed.
	11	WVTGN	Defendant enters general time waiver.
	12	CLCON	Pre Trial continued to 12/13/2018 at 08:30 AM in Department W18 at request of Defense.
	13	DSORC	Court orders defendant is to remain released on own recognizance on condition(s): No further violations of protective order.

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

MINUTE ORDER

DATE: 11/27/2018 TIME: 01:30:00 PM DEPT: C66

JUDICIAL OFFICER PRESIDING: Sherri Honer

CLERK: Javier Espino

REPORTER/ERM: None

BAILIFF/COURT ATTENDANT: J McMillion

CASE NO: **30-2018-00986785-CU-HR-CJC** CASE INIT.DATE: 04/18/2018

CASE TITLE: **Jasso vs. Gallian**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Harassment

EVENT ID/DOCUMENT ID: 72934856

EVENT TYPE: Ex Parte

MOVING PARTY: Jamie L. Gallian

CAUSAL DOCUMENT/DATE FILED: Ex Parte Application - Other, 11/26/2018

APPEARANCES

Michael Sean Devereux, from WEX Law, present for Respondent(s).

Jamie L. Gallian, Respondent is present.

Ex-Parte application to be relieved as counsel is requested by attorney Michael Devereux.

Requires notice to all parties.

Ex Parte trailed to 11/29/2018 at 01:30 PM in this department pursuant to party's motion.

Court orders attorney Michael Devereux to give notice.

DATE: 11/27/2018

DEPT: C66

MINUTE ORDER

Page 1
Calendar No.

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

MINUTE ORDER

DATE: 11/29/2018 TIME: 01:30:00 PM DEPT: C66

JUDICIAL OFFICER PRESIDING: Sherri Honer

CLERK: Debby Lamm

REPORTER/ERM: None

BAILIFF/COURT ATTENDANT: J McMillion

CASE NO: **30-2018-00986785-CU-HR-CJC** CASE INIT.DATE: 04/18/2018

CASE TITLE: **Jasso vs. Gallian**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Harassment

EVENT ID/DOCUMENT ID: 72936212

EVENT TYPE: Ex Parte

MOVING PARTY: Jamie L. Gallian

CAUSAL DOCUMENT/DATE FILED: Ex Parte Application - Other, 11/26/2018

APPEARANCES

Michael Sean Devereux, from WEX Law, present for Respondent(s).

Jamie L. Gallian, Respondent is present.

The motion to be relieved as counsel of record is Granted .

DATE: 11/29/2018

MINUTE ORDER

Page 1

DEPT: C66

Calendar No.

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

MINUTE ORDER

DATE: 11/29/2018 TIME: 01:30:00 PM DEPT: C66

JUDICIAL OFFICER PRESIDING: Sherri Honer

CLERK: Debby Lamm

REPORTER/ERM: None

BAILIFF/COURT ATTENDANT: J McMillion

CASE NO: **30-2018-00986785-CU-HR-CJC** CASE INIT.DATE: 04/18/2018

CASE TITLE: **Jasso vs. Gallian**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Harassment

EVENT ID/DOCUMENT ID: 72897459

EVENT TYPE: Motion for SLAPP

MOVING PARTY: Janine Barbara Jasso

CAUSAL DOCUMENT/DATE FILED: Motion for SLAPP, 09/20/2018

APPEARANCES

Janine Barbara Jasso, self represented Petitioner, present.

Michael Sean Devereux, from WEX Law, present for Respondent(s).

Jamie L. Gallian, Respondent is present.

The Court having fully considered the arguments of all parties, both written and oral, as well as the evidence presented, now confirms tentative ruling as follows:

SLAPP Motion

Respondent Jamie L. Gallian's special motion to strike the petition (SLAPP motion) is DENIED. Petitioner's request for attorney fees is DENIED without prejudice. Petitioner shall file a separate motion for attorney fees.

Respondent moves for an order pursuant to Code of Civil Procedure (CCP) § 425.16 striking the "the entire petition." (See Notice of Motion, p. 1, ln. 23.) Although respondent does not specify the petition she seeks to strike, the only petition petitioner Janine Barbara Jasso has filed in the instant matter is a Request for Civil Harassment Restraining Orders. (ROA No. 1.) For the following reasons, respondent's special motion to strike is denied.

Timing of the Motion

CCP § 425.16 (f) requires that "[t]he special motion may be filed within 60 days of the service of the complaint or, in the court's discretion, at any later time upon terms it deems proper. The motion shall be scheduled by the clerk of the court for a hearing not more than 30 days after the service of the motion unless the docket conditions of the court require a later hearing."

Petitioner filed her Request for Civil Harassment Restraining Order on April 18, 2018. Respondent was

DATE: 11/29/2018

MINUTE ORDER

Page 1

DEPT: C66

Calendar No.

CASE TITLE: Jasso vs. Gallian

CASE NO: 30-2018-00986785-CU-HR-CJC

personally served with the Civil Harassment Restraining Order on April 22, 2018. (ROA No. 11.) Respondent's special motion to strike was filed on September 20, 2018, 151 days after service of the Request for Civil Harassment Restraining Order. Respondent's motion is untimely.

Protected Activity

Substantively, respondent's motion also fails. CCP § 425.16(b)(1) provides that "[a] cause of action against a person arising from any act of that person in furtherance of the person's right of petition or free speech under the United States Constitution or the California Constitution in connection with a public issue shall be subject to a special motion to strike, unless the court determines that the plaintiff has established that there is a probability that the plaintiff will prevail on the claim."

"Section 425.16 posits ... a two-step process for determining whether an action is a [strategic lawsuit against public participation]. First, the court decides whether the defendant has made a threshold showing that the challenged cause of action is one arising from protected activity.... If the court finds that such a showing has been made, it must then determine whether the plaintiff has demonstrated a probability of prevailing on the claim." (*Navellier v. Sletten* (2002) 29 Cal.4th 82, 88.) "Only a cause of action that satisfies both prongs of the anti-SLAPP statute – i.e., that arises from protected speech or petitioning and lacks even minimal merit – is a SLAPP, subject to being stricken under the statute." (*Id.* at 89.)

Here, respondent has failed to satisfy the first prong to establish her special motion to strike. "In California, speech that constitutes 'harassment' within the meaning of section 527.6 is not constitutionally protected, and the victim of the harassment may obtain injunctive relief. "Harassment" is defined as "unlawful violence, a credible threat of violence, or a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the plaintiff." (Code of Civil Procedure section 527.6, subd. (b).) 'Credible threat of violence' is a knowing and willful statement or course of conduct that would place a reasonable person in fear for his or her safety, or the safety of his or her immediate family, and that serves no legitimate purpose." (Code Civ. Proc., § 527.6, subd. (b)(2).)

Based on the evidence presented, respondent failed to show that she engaged in protected speech. It appears that Respondent engaged in harassment, which is "unlawful violence, a credible threat of violence, or a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose." (Code Civ. Proc., § 527.6, subd. (b).) Harassment is not constitutionally protected speech. (*Huntingdon Life Sciences, Inc.*, 129 Cal.App.4th at 1250.)

Petitioner requests attorneys' fees in the amount of \$3,300.00. Petitioner's request is denied without prejudice to Petitioner filing a noticed motion for attorney's fees.

Petitioner to give notice.

Ex Parte Application to be Relieved as Counsel

The motion to withdraw as counsel is GRANTED.

DATE: 11/29/2018
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CASE TITLE: Jasso vs. Gallian

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The court will sign the proposed order submitted. The order relieving counsel will be effective immediately if respondent is present, otherwise, it will be effective upon the filing of a proof of service of the executed order upon plaintiff.

The formal order to withdraw as counsel or record was signed this date.

DATE: 11/29/2018
DEPT: C66

MINUTE ORDER

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SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

MINUTE ORDER

DATE: 12/07/2018 TIME: 09:00:00 AM DEPT: C66

JUDICIAL OFFICER PRESIDING: Sherri Honer

CLERK: Debby Lamm

REPORTER/ERM: (ACRPT) Lisa De Los Reyes CSR# 4558

BAILIFF/COURT ATTENDANT: J McMillion

CASE NO: **30-2018-00986785-CU-HR-CJC** CASE INIT.DATE: 04/18/2018

CASE TITLE: **Jasso vs. Galian**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Harassment

EVENT ID/DOCUMENT ID: 72897460

EVENT TYPE: Order to Show Cause re: Civil Harassment

MOVING PARTY: Janine Barbara Jasso

CAUSAL DOCUMENT/DATE FILED: Motion for SLAPP, 09/20/2018

APPEARANCES

Janine Barbara Jasso, self represented Petitioner, present.

Jamie L. Galian, Respondent is present.

Martina A. Teinert, Esq. appearing with Janine Barbara Jasso

All parties as noted above and witnesses are sworn. The following Parties testify: Janine Barbara Jasso and Jamie L. Galian

Exhibit 5, Two Page Map is Marked on behalf of Petitioner.

At the request of Martina A. Teinert the Court takes judicial notice of Granted Preliminary Injunction in case 30-2017-00913985

Exhibit 7, Carrie Davis Declaration is Marked on behalf of Petitioner.

Exhibit 8, Screen Shot from Video is Marked on behalf of Petitioner.

Exhibit 9, Five Pages of Facebook Posts is Marked on behalf of Petitioner.

At the request of Martina A. Reinert the Court takes judicial notice of TRO dated 12/22/17 in Case 30-2017-00962999

At 3:15 PM Court declares a recess.

At 3:35 PM Court reconvenes with Petitioner, Respondent and counsel present as noted above.

The Court asked for offer of proof as to the testimony of witnesses Kim Macia, Lee Gragnano, Lindy Beck and Ted Phillips. The Court excused these parties.

DATE: 12/07/2018

MINUTE ORDER

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DEPT: C66

Calendar No.

CASE TITLE: Jasso vs. Gallian

CASE NO: 30-2018-00986785-CU-HR-CJC

Exhibit A, Stipulation in case 30-2017-00941896 is Marked on behalf of Respondent.

Exhibit B, Request for Civil harassment in case 30-2017-00941896 is Marked on behalf of Respondent.

Exhibit C, Letter dated August 6, 2017 is Marked on behalf of Respondent.

Order to Show Cause re: Civil Harassment continued to 12/21/2018 at 09:00 AM in this department pursuant to party's motion.

The request to reissue the Temporary Restraining Order is granted. All orders contained in the Temporary Restraining Order shall stay in effect unless this order changes them. Reissue Temporary Restraining Order signed and filed this date.

The Court deemed that this trial has commenced and the parties are ordered back on 12/21/18 at 9:00 AM.

Certified Copy of the Notice of Hearing with a Certified Copy of the Temporary Restraining Order served on Respondent this date.

DATE: 12/07/2018
DEPT: C66

MINUTE ORDER

Page 2
Calendar No.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE JUSTICE CENTER <input type="checkbox"/> Central - 700 Civic Center Dr. West, Santa Ana, CA 92701-4045 <input type="checkbox"/> Harbor-Laguna Hills Facility - 23141 Moulton Pkwy., Laguna Hills, CA 92653 <input type="checkbox"/> Harbor-Newport Beach Facility - 4601 Jamboree Rd., Newport Beach, CA 92660-2595 <input type="checkbox"/> North - 1275 N. Berkeley Ave., P. O. Box 5000, Fullerton, CA 92838-0500 <input type="checkbox"/> West - 8141 13 th Street, Westminster, CA 92683-4593		FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE CENTRAL JUSTICE CENTER SEP 27 2017 DAVID H. YAMASAKI, Clerk of the Court J. Rausch BY: <u>B. LAMM</u> DEPUTY CASE NUMBER: <u>30-2017-00941896</u>
PLAINTIFF: <u>JANINE B. JASSO</u> DEFENDANT: <u>JAMIE L. GALLIAN</u>		
STIPULATION Civil Harassment		

IT IS STIPULATED by plaintiff: JANINE B. JASSO and
defendant: JAMIE LYNN GALLIAN

- ☐ Parties agree to the terms stated below. This case shall be dismissed without prejudice, and if the defendant does not comply with the stipulation, the plaintiff must file a new case in order to obtain a restraining order.
- ☒ Parties agree to the terms stated below and the plaintiff will file a stipulation with the court within three years of the date of the stipulation or Declaration of Non-Compliance to be filed with the court within three years of the date of the stipulation or Declaration of Non-Compliance. The parties agree that the stipulation shall be enforceable by the court and that the court shall have jurisdiction to enforce the stipulation and to award damages and costs to the prevailing party.

PLAINTIFF AND DEFENDANT STIPULATE AS FOLLOWS:

- ☐ agree(s) to stay at least (specify): _____ yards
away from: _____ and all other persons named in the Request for Orders to Stop
Harassment. Peaceful Contact Only
- ☒ JANINE B. JASSO agree(s) to have no contact (directly or indirectly) with (name):
JAMIE L. GALLIAN and all other persons named in the Request for Orders to Stop Harassment.
- ☒ Other (specify): The parties are to have peaceful
contact only. NO physical touching,
threats OR harassment

All parties understand that they give up their rights to: (1) appeal; and (2) notice of dismissal. They further understand that this stipulation is not an actual restraining order and will not be enforced by any law enforcement agencies.

Date: 9/27/17

Date: 9/27/17

IT IS SO ORDERED

Judge of the Superior Court

STIPULATION - CIVIL HARASSMENT

Approved for Optional Use
LB38 (New July 1, 2005)

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CH-130

**Civil Harassment Restraining
Order After Hearing**

Person in ① must complete items ①, ②, and ③ only.

① **Protected Person**

a. Your Full Name: Janine Barbara Jasso

Your Lawyer (if you have one for this case)

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information.
If you do not have a lawyer and want to keep your home address
private, you may give a different mailing address instead. You do not
have to give telephone, fax, or e-mail.)

Address: _____

City: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Clerk stamps date here when form is filed.

FILED
SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE

DEC 21 2018

CLERK: A. VALLADARES, Clerk of the Court

BY: _____ DEPUTY

Fill in court name and street address.

Superior Court of California, County of
Orange - Central Justice Center
700 Civic Center Drive
Santa Ana, CA 92701

Court fills in case number when case is filed.

Case Number:

00985785

② **Restrained Person**

Full Name: Jamie L. Gallian

Description:

Sex: ☐ M ☒ F Height: 5'8" Weight: 220lbs Date of Birth: 11-16-1962

Hair Color: brown Eye Color: unknown Age: 55 Race: white

Home Address (if known): 4476 Aldemort

City: Huntington Beach

State: CA Zip: 92649

Relationship to Protected Person: neighbor

③ ☒ **Additional Protected Persons**

In addition to the person named in ①, the following family or household members of that person are protected by
the orders indicated below:

Full Name	Sex	Age	Lives with you?	How are they related to you?
<u>Jesus Jasso Jr.</u>	<u>M</u>	<u>52</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>Husband</u>
<u>Jesus Jasso III</u>	<u>M</u>	<u>18</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>Son</u>

☒ Check here if there are additional persons. List them on an attached sheet of paper and write "Attachment 3—
Additional Protected Persons" as a title. You may use form MC-025, Attachment.

④ **Expiration Date**

This Order, except for any award of lawyer's fees, expires at

Time: _____ ☐ a.m. ☐ p.m. ☒ midnight on (date): December 21, 2023

If no expiration date is written here, this Order expires three years from the date of issuance.

This is a Court Order.

Judicial Council of California, www.courtinfo.ca.gov
Revised January 1, 2018, Mandatory Form
Court of Civil Procedure, §§ 57.75 and 527.6
Approved by DCA

**Civil Harassment Restraining Order After Hearing
(CLETS-CHO)**
(Civil Harassment Prevention)

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Case Number 00986785

5 Hearing

- a. There was a hearing on (date): DEC 21 2018 at (time): 9:00 AM in Dept.: C-66 Room: _____
(Name of judicial officer): SHERILL HONER made the orders at the hearing.
- b. These people were at the hearing:
- (1) ☒ The person in (1). (3) ☒ The lawyer for the person in (1) (name): Markos A. Jaramet
(2) ☒ The person in (2). (4) ☒ The lawyer for the person in (2) (name): Steven A. Fink
☐ Additional persons present are listed at the end of this Order on Attachment 5.
- c. ☐ The hearing is continued. The parties must return to court on (date): _____ at (time): _____

To the Person in (2):

The court has granted the orders checked below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

6 Personal Conduct Orders

- a. You must not do the following things to the person named in (1)
☒ and to the other protected persons listed in (3):
- (1) ☒ Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
(2) ☒ Contact the person, either directly or indirectly, in any way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means.
(3) ☐ Take any action to obtain the person's address or location. If this item (3) is not checked, the court has found good cause not to make this order.
(4) ☐ Other (specify): _____
☐ Other personal conduct orders are attached at the end of this Order on Attachment 6a(4).
- b. Peaceful written contact through a lawyer or process server or other person for service of legal papers related to a court case is allowed and does not violate this Order.

7 Stay-Away Orders

- a. You must stay at least 10 yards away from (check all that apply):
- (1) ☒ The person in (1). (7) ☒ The place of child care of the children of the person in (1).
(2) ☒ Each person in (3). (8) ☒ The vehicle of the person in (1).
(3) ☒ The home of the person in (1). (9) ☐ Other (specify): _____
(4) ☒ The job or workplace of the person in (1). _____
(5) ☐ The school of the person in (1). _____
(6) ☒ The school of the children of the person in (1). _____

- b. This stay-away order does not prevent you from going to or from your home or place of employment.

This is a Court Order.

Revised January 1, 2016

**Civil Harassment Restraining Order After Hearing
(CLETS-CHO)
(Civil Harassment Prevention)**

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8 No Guns or Other Firearms and Ammunition

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.
- b. If you have not already done so, you must:
- Within 24 hours of being served with this Order, sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms in your immediate possession or control.
 - File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in, sold, or stored. (You may use form CH-R00, Proof of Firearms Turned In, Sold, or Stored, for the receipt.)
- c. ☐ The court has received information that you own or possess a firearm.
- d. ☐ The court has made the necessary findings and applies the firearm relinquishment exemption under Code of Civil Procedure section 527.9(f). Under California law, the person in (2) is not required to relinquish this firearm (specify make, model, and serial number of firearm(s)):

The firearm must be in his or her physical possession only during scheduled work hours and during travel to and from his or her place of employment. Even if exempt under California law, the person in (2) may be subject to federal prosecution for possessing or controlling a firearm.

9 Lawyer's Fees and Costs

The person in _____ must pay to the person in _____ the following amounts for

Item	Amount	Item	Amount
<input type="checkbox"/> lawyer's fees	\$ _____	<input type="checkbox"/> costs:	\$ _____
	\$ _____		\$ _____

☐ Additional items and amounts are attached at the end of this Order on Attachment 9.

10 Possession and Protection of Animals

- a. ☐ The person in (1) is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household.
(Identify animals by, e.g., type, breed, name, color, sex.)

- b. ☐ The person in (2) must stay at least _____ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

11 Other Orders (specify):

☐ Additional orders are attached at the end of this Order on Attachment 11.

This is a Court Order.

Revised January 1, 2018

**Civil Harassment Restraining Order After Hearing
(CLETS-CHO)
(Civil Harassment Prevention)**

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Case Number
00986785

To the Person in ①

⑫ Mandatory Entry of Order Into CARPOS Through CLETS

This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (Check one):

- a. ☐ The clerk will enter this Order and its proof-of-service form into CARPOS.
- b. ☒ The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.
- c. ☐ By the close of business on the date that this Order is made, the person in ① or his or her lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:

Name of Law Enforcement Agency:

Address (City, State, Zip):

Hendington Beh PD

- ☐ Additional law enforcement agencies are listed at the end of this Order on Attachment 12.

⑬ Service of Order on Restrained Person

- a. ☒ The person in ② personally attended the hearing. No other proof of service is needed.
- b. ☐ The person in ② did not attend the hearing.
- (1) ☐ Proof of service of form CH-110, *Temporary Restraining Order*, was presented to the court. The judge's orders in this form are the same as in form CH-110 except for the expiration date. The person in ② must be served with this Order. Service may be by mail.
- (2) ☐ The judge's orders in this form are different from the temporary restraining orders in form CH-110. Someone—but not anyone in ① or ③—must personally serve a copy of this Order on the person in ②.

⑭ ☒ No Fee to Serve (Notify) Restrained Person

The sheriff or marshal will serve this Order without charge because:

- a. ☒ The Order is based on unlawful violence, a credible threat of violence, or stalking.
- b. ☐ The person in ① is entitled to a fee waiver.

⑮ Number of pages attached to this Order, if any: 1

Date:

12/21/19

Judicial Officer

SHERRI L. HONER

This is a Court Order.

Revised January 1, 2016

Civil Harassment Restraining Order After Hearing
(CLETS-CHO)
(Civil Harassment Prevention)

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Case Number

00906795

Warning and Notice to the Restrained Person in ②:

You Cannot Have Guns or Firearms

Unless item 8d is checked, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms that you have or control as stated in item ⑧ above. The court will require you to prove that you did so.

Instructions for Law Enforcement

Enforcing the Restraining Order

This Order is enforceable by any law enforcement agency that has received the Order, is shown a copy of the Order, or has verified its existence on the California Restraining and Protective Order System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency must advise the restrained person of the terms of the Order and then must enforce it. Violations of this Order are subject to criminal penalties.

Start Date and End Date of Orders

This Order starts on the date next to the judge's signature on page 4 and ends on the expiration date in item ④ on page 1.

Arrest Required if Order is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed it, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the order. Consider the restrained person "served" (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; or
- The restrained person was at the restraining order hearing or was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified and the restrained person was not present at the court hearing, the agency must advise the restrained person of the terms of the order and then enforce it.

If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, this Order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

This is a Court Order.

RevAsst January 1, 2015

Civil Harassment Restraining Order After Hearing
(CLETS-CHO)
(Civil Harassment Prevention)

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Case Number:
00986785

Conflicting Orders—Priorities of Enforcement

If more than one restraining order has been issued, the orders must be enforced according to the following priorities: (See Pen. Code, § 136.2; Fam. Code, §§ 6383(h)(2), 6405(b).)

1. **EPO:** If one of the orders is an *Emergency Protective Order* (form EPO-001) and is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. **No-Contact Order:** If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence over any other restraining or protective order.
3. **Criminal Order:** If none of the orders includes a no contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. **Family, Juvenile, or Civil Order:** If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.



(Clerk will fill out this part.)

—Clerk's Certificate—

I certify that this *Civil Harassment Restraining Order After Hearing* is a true and correct copy of the original on file in the court.

Date: DEC 21 2018

Clerk, by

DAVID H. YAMASAKI

, Deputy

W. GARCIA

This is a Court Order.

Revised January 1, 2015

Civil Harassment Restraining Order After Hearing
(CLETS-CHO)
(Civil Harassment Prevention)

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MC-025

SHORT TITLE: Jasso v. Gallian	CASE NUMBER: 00986785
----------------------------------	--------------------------

ATTACHMENT (Number): 3-Add'l Protected Persons

(This Attachment may be used with any Judicial Council form.)

Arielle Janine Jasso, F, Age 7, Lives With Me, Daughter

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 1 of 1
(Add pages as required)

Form Approved for Optional Use
Judicial Council of California
MC-025 (Rev. July 1, 2008)

ATTACHMENT
to Judicial Council Form

www.jscourt.ca.gov

12/21/2018 3:52PM (GMT-08:00)

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

MINUTE ORDER

DATE: 10/31/2019 TIME: 01:30:00 PM DEPT: C66

JUDICIAL OFFICER PRESIDING: Sherri Honer
CLERK: Trinity Palabrica
REPORTER/ERM: Kimberly R Moore CSR# 13825
BAILIFF/COURT ATTENDANT: J McMillion

CASE NO: **30-2018-00986785-CU-HR-CJC** CASE INIT.DATE: 04/18/2018
CASE TITLE: **Jasso vs. Gallian**
CASE CATEGORY: Civil - Unlimited CASE TYPE: Harassment

EVENT ID/DOCUMENT ID: 73156930

EVENT TYPE: Ex Parte
MOVING PARTY: Jamie L. Gallian
CAUSAL DOCUMENT/DATE FILED: Ex Parte Application - Other, 10/28/2019

APPEARANCES

Jamie L. Gallian, self represented Respondent, present.
Martina A. Teinert, from Vigil Defense, is present for Plaintiff(s).

Ex Parte Application for Termination of Civil Harassment Restraining Order Nunc Pro Tunc is requested by Respondent Jaime L. Gallian.

Ex Parte Application is read and considered in chambers.

Tentative Ruling is provided to parties in open court.

The Court reads the Tentative Ruling for the record.

No oral argument.

The Court confirms the tentative ruling as follows:

Notice issues aside, the ex parte application is DENIED.

This is the third ex parte respondent has filed in this and a related workplace violence restraining order case. The court admonishes respondent Gasso and orders respondent to refrain from filing any further ex parte applications seeking the same relief or raising the same grounds for relief. Failure to follow the court's order may subject respondent to sanctions of up to \$1,500 pursuant to Code of Civil Procedure (CCP) § 177.5.

Neither the 8/13/18 minute order nor the 8/15/18 order continuing the hearing on the permanent restraining order, both of which continued the temporary restraining order (TRO) until the date of the continued hearing, are void on their face. The court has authority pursuant to CCP § 527.6(p)(1), to continue on its own motion a hearing for a permanent restraining order. Moreover, pursuant to CCP § 527.6(p)(2), if the court grants a continuance, any TRO that has been granted shall remain in effect until the end of the continued hearing, unless otherwise ordered by the court.

Here, the TRO was set to expire on 8/15/18. On 8/13/18, the court on its own motion continued the

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DEPT: C66

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CASE TITLE: Jasso vs. Gallian

CASE NO: 30-2018-00986785-CU-HR-CJC

hearing on the permanent restraining order and ordered the TRO continued pending completion of the hearing. The 8/13/18 minute order was followed by an 8/15/18 order reiterating the continued hearing date and continuation of the TRO. Although clerk did not serve the order until 8/16/18, the date the order was served is **not** the date the order was issued by the court. The order was issued via a minute order on 8/13/18, followed by written order on 8/15/18. The court's order was issued prior to the TRO expiring, and thus, the court had authority to continue the TRO.

DATE: 10/31/2019
DEPT: C66

MINUTE ORDER

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SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

MINUTE ORDER

DATE: 11/12/2019 TIME: 08:25:00 AM DEPT: C66

JUDICIAL OFFICER PRESIDING: Sherri Honer

CLERK: James Olivarez

REPORTER/ERM: None

BAILIFF/COURT ATTENDANT: None

CASE NO: **30-2018-00986785-CU-HR-CJC** CASE INIT.DATE: 04/18/2018

CASE TITLE: **Jasso vs. Gallian**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Harassment

EVENT ID/DOCUMENT ID: 73165221

EVENT TYPE: Nunc Pro Tunc Minutes

APPEARANCES

There are no appearances by any party.

It appearing to the Court that through error or inadvertence, the minute order of this Court dated 10/31/2019, does not properly reflect the order of the Court. Said minute order is ordered corrected Nunc Pro Tunc as of 10/31/2019, as indicated below:

DELETE:

The court admonishes respondent Gasso and orders respondent to refrain from filing any further ex parte applications seeking the same relief or raising the same grounds for relief.

ADD:

The court admonishes respondent **Jamie L. Gallian** and orders respondent to refrain from filing any further

ex parte applications seeking the same relief or raising the same grounds for relief.

All other orders contained in the 10/31/2019 minute order shall remain in full force and effect.

DATE: 11/12/2019

MINUTE ORDER

Page 1

DEPT: C66

Calendar No.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
5801 Skylab Road, Huntington beach, CA 92647 **3RD AMENDMENT Opposition to Partial Summary Judgment;

Declaration of Jamie Lynn Gallian ISO thereof.**

A true and correct copy of the foregoing document entitled: **DEBTORS NOTICE OF MOT AND MOTION FOR SUMMARY JUDGMENT; DECLARATION OF JAMIE LYNN GALLIAN ISO OR IN THE ALTERNATIVE**

OPPOSITION TO PLAINTIFF JASSO'S PARTIAL SUMMARY JUDGMENT will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) 11/21/2022

I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Jeffrey I Golden (TR) lwerner@wglp.com; jlg@trusteesolutions.net; kadele@wglp.com

United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov

☒ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL**:

On _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on 11/21/2022, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Judge Scott C. Clarkson
United States Bankruptcy Court
Central District of California
Ronald Reagan Federal Building and Courthouse
411 W. Fourth Street, Ste. 5060
Santa Ana, CA 92701-4593

Plaintiff Janine B. Jasso, Esq. P.O. Box 370161
Email Address: El Paso, Tx
j9_jasso@yahoo.com 79937

☐ Service information continued on attached page

November 21, 2022 Robert McLelland
Date Printed Name

Robert McLelland
Signature bobwentflying@yahoo.com

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

ADDITIONAL SERVICE INFORMATION (if needed):

1. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")

Aaron E DE Leest on behalf of Trustee Jeffrey I Golden (TR)
adeleest@DanningGill.com, danninggill@gmail.com;adeleest@ecf.inforuptcy.com

Robert P Goe on behalf of Creditor The Huntington Beach Gables Homeowners Association
kmurphy@goeforlaw.com, rgoe@goeforlaw.com;goeforecf@gmail.com

Robert P Goe on behalf of Plaintiff The Huntington Beach Gables Homeowners Association
kmurphy@goeforlaw.com, rgoe@goeforlaw.com;goeforecf@gmail.com

Jeffrey I Golden (TR) lwerne@wgllp.com, jig@trustesolutions.net;kadele@wgllp.com

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ehays@marshackhays.com,
ehays@ecf.courtdrive.com;kfrederick@ecf.courtdrive.com;cmendoza@marshackhays.com;cmendoza@ecf.courtdrive.com

D Edward Hays on behalf of Interested Party Courtesy NEF
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ehays@ecf.courtdrive.com;kfrederick@ecf.courtdrive.com;cmendoza@marshackhays.com;cmendoza@ecf.courtdrive.com

D Edward Hays on behalf of Plaintiff Houser Bros. Co.
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ehays@ecf.courtdrive.com;kfrederick@ecf.courtdrive.com;cmendoza@marshackhays.com;cmendoza@ecf.courtdrive.com

Brandon J Iskander on behalf of Creditor The Huntington Beach Gables Homeowners Association
biskander@goeforlaw.com, kmurphy@goeforlaw.com

Brandon J Iskander on behalf of Plaintiff The Huntington Beach Gables Homeowners Association
biskander@goeforlaw.com, kmurphy@goeforlaw.com

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Laila Masud on behalf of Plaintiff Houser Bros. Co.
lmasud@marshackhays.com, lmasud@ecf.courtdrive.com;kfrederick@ecf.courtdrive.com

Mark A Mellor on behalf of Defendant Randall L Nickel
mail@mellorlawfirm.com, mellormr79158@notify.bestcase.com

Mark A Mellor on behalf of Interested Party Courtesy NEF mail@mellorlawfirm.com, mellormr79158@notify.bestcase.com

Valerie Smith on behalf of Interested Party Courtesy NEF claims@recoverycorp.com

United States Trustee (SA) ustpregion16.sa.ecf@usdoj.gov

1 of California.

F 9013-3.1.PROOF.SERVICE

JAMIE LYNN GALLIAN
16222 Monterey Ln. #376
Huntington Beach, CA 92649
Telephone (714) 321-3449
jamiegallian@gmail.com

Debtor, Defendant, IN PRO PER

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION

Case No. 8:21-BK-11710-SC

Adv. 8:21-ap-01096-SC

In re

JAMIE LYNN GALLIAN

Debtor

JANINE JASSO, ESQ.
an individual

Plaintiff

vs.

JAMIE LYNN GALLIAN

Defendant

Before the *Honorable Scott C. Clarkson*
**NOTICE OF AND MOTION TO DISMISS
COMPLAINT:**

- 1. TO DETERMINE DISCHARGEABILITY OF CIVIL ATTORNEY FEES DEBT SEPARATE AND ASIDE OF FEES/FINE PURSUANT TO §523(A)(7);**
- ARGUMENT PRESENTED IN concurrent MSJ FOR DISMISSAL OF 1ST CAUSE OF ACTION §523(a)(7)**
- 2. TO DETERMINE NONDISCHARGEABILITY OF DEBT PURSUANT TO 11 U.S.C. SECTION 523(a)(2)(A);**
- 3. FOR DENIAL OF DISCHARGE PURSUANT TO 11 U.S.C. SECTION 727(a)(3);**
- 4. FOR DENIAL OF DISCHARGE PURSUANT TO 11 U.S.C. SECTION 727(a)(4);**
- 5. FOR DENIAL OF DISCHARGE PURSUANT TO 11 U.S.C. SECTION 727(a)(5).**

[F.R.C.P. §§9(b), 12(b)(6); F.R.B.P. §§7009, 7012

Date: 11-15-2022

Time: 1:30pm

Courtroom 5C ZoomGov

Location: 411 W. Fourth Street, Santa Ana, CA 92701

TO PLAINTIFF JANINE JASSO, ESQ :

PLEASE TAKE NOTICE that on 11-15-2022 at 1:30 PM in the Courtroom of the

Honorable Scott C. Clarkson, United States Bankruptcy Judge, Courtroom 5C located at the

1 United States Bankruptcy Court, Central District of California, Ronald Reagan Federal Building
2 and Courthouse, located at 411 West Fourth Street, Suite 5060, Santa Ana, CA 92701-4593,
3 Debtor and Defendant **JAMIE LYNN GALLIAN** (“Defendant”) moves for an order
4 dismissing the *Adversary Complaint*:

- 5 1. *To Determine Nondischargeability of Debt Pursuant to 11 U.S.C. Section §523(a)(7);*
- 6 2. *To Determine Nondischargeability of Debt Pursuant to 11 U.S.C. Section §523(a)*
7 *(2)(A);*
- 8 3. *For Denial of Discharge Pursuant to 11 U.S.C. Section 727(a)(3);*
- 9 4. *For Denial of Discharge Pursuant to 11 U.S.C. Section 727(a)(4)*
- 10 5. *For Denial of Discharge Pursuant to 11 U.S.C. Section 727(a)(5);*

11 (“Original Complaint”) filed 10-18-2021 Doc-1 [unsigned] herein by Plaintiff JANINE JASSO,
12 ESQ. (“Plaintiff”). A second complaint was filed 10-19-2021, Doc-3; a FAC was filed 11-16-2021,
13 Doc-6, was without leave of court. The FAC added new causes of action and facts unrelated to the
14 “original [unsigned] complaint” Doc-1. Doc -3 was filed after the time to object to discharge 4007.

15 The *Motion to Dismiss* will be based on this Notice, on the
16 attached Memorandum of Points and Authorities, on all the papers and records on file in
17 this action, and on such oral and documentary evidence as may be presented at the hearing of the
18 *Motion*.

19 Defendant brings this *Motion to Dismiss* pursuant to F.R.C.P. §§9(b), 12(b)(6), and F.R.B.P.
20 § 7009, 7012, on the grounds that Plaintiff has failed to state a claim upon which relief may be
21 granted. Plaintiff’s Complaint fails to meet even the minimal elements of 11 U.S.C. §523(a)(2) and
22 § 727(a). Plaintiff attempts to allege causes of action by providing an excessive listing of vague,
23 redundant, and ultimately confusing assertions of fact (many of which only marginally qualify as
24 facts), then, failing to apply those assertions to the elements of any given cause of action, makes only
25 sweeping conclusory declarations of Defendant’s liability. As a result, the pleading defies a basis for
26 drawing any reasonable inference that Defendant is responsible for the misconduct alleged, let alone
27 any of the injuries or damages which Plaintiff claims to have suffered. It is not the responsibility of
28 Defendant, and certainly not the responsibility of the Court, to decipher the relevant facts from the
referenced narrative in order to construct Plaintiff’s claims for relief.

1 Pursuant to Local Bankruptcy Rule 9013-1, any objection or response to this Motion must
2 be stated in writing, filed with the Clerk of the Court and served on Defendant at the
3 address located in the upper left hand corner no later than fourteen days prior to the
4 hearing. Failure to so state, file and serve any opposition may result in the Court failing to cons
5 ider the same.

6
7
8 DATED: November 7, 2022

Respectfully submitted,


9
10 
11 JAMIE LYNN GALLIAN
12 Debtor and Defendant,
13 In Pro Per
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13 **1. MEMORANDUM OF POINTS & AUTHORITIES**

14 **a. BACKGROUND**

15 On 07/09/2021, the Debtor commenced this voluntary Chapter 7 bankruptcy.

16 On 10/18/2021, Plaintiff commenced this Adversary Complaint. 8:21-ap-01096, filing an
17 [unsigned] Complaint with the Clerk of the Court. Doc-1.

18 On 10/19/2021, Plaintiff filed a second complaint after 4:00pm, with the Clerk of the
19 court. Plaintiff failed to serve debtor, in pro per, with the second 10-19-2021 "signed copy" of the
20 complaint. Doc 3

21 On November 16, 2021 Plaintiff filed a First Amended Adversary Complaint, ("FAC")
22 added and expanding causes of actions and adding facts, not relating back to the original
23 [unsigned] complaint filed 10-18-2021. Doc-1, subsequently re-filed on October 19, 2021. Doc-3
24 Plaintiff, a licensed California Attorney, failed to file a Notice of and Motion to \Amend
25 Adversary Complaint Doc-3 and obtain leave of court and/or the courts permission to file a late
26 adversary complaint broadening the causes of actions not relating or appearing in the original
27 unsigned complaint Doc-1. Moreover, Plaintiff, Janine B. Jasso, Esq. is a Member of the
28 California State Bar, SBN 170188 and has come into this court with unclean hands, mislead the
court on several points of fact in the original complaint and the First Amended Complaint.

1 The Third Cause of Action is for Denial of Defendants' Discharge Pursuant to 11 U.S.C. §727(a)
2 (3); The Fourth Cause of Action is for Denial of Defendants' Discharge for False Oath Pursuant to
3 11 U.S.C. §727(a)(4)(A); The Fifth Cause of Action is for Denial of Defendants' Discharge for
4 Failure to Explain Losses Under 11 U.S.C. §727(a)(5).

5
6 Plaintiff's Second Cause based in part on Unit 376, Tract 10542 Unit 4, defendant a
7 bona fide purchaser 11-1-18, Compl ¶ 26 for value of a 2014 Skyline Custom Villa
8 manufactured home under an unexpired 80 yr Ground Leasehold Assignment from seller
9 Lisa Ryan, of approximately 35 years remaining on the unexpired ground lease, pursuant to
10 Health & Safety Code §18551. Seller Lisa Ryan, obtained the use of Lot 376 in 2006.
11 The Ground Space, Lot 376, under the 2014 Skyline Custom Villa installed by permit from
12 the Department of Housing and Community Development in 9-2014, purchased by defendant
13 11-1-2018, based upon on an allegation, Compl ¶52, FAC ¶84 that Defendant engaged in an
14 fraudulent scheme to place her most substantial asset, the condominium Unit 53 located
15 at 4476 Alderport, also in Tract 10542, out of reach of Plaintiff, who, as an individual
16 Board member, was in the process of obtaining an attorney's fees award in excess of
17 \$40,000.00, for successfully defending Debtor's civil cross-claims. Plaintiff, alleges debtor
18 conducted her personal affairs through her personal account and business bank
19 account held under the name of J-Sandcastle Co LLC, her sole member, alter ego
20 company, J-Sandcastle Co, LLC., (the "Alter Ego Company") in an effort to shield herself
21 from collection from judgments that that were not even entered until 2019. Plaintiff, a Board
22 Member and former attorney for The Huntington Beach Gables Homeowners
23 Association, whom obtained a \$3,070.00 judgment against Debtor on September
24 27, 2018, and none against J-Sandcastle Co LLC or J-Pad, LLC. (FAC ¶ 45).
25 This claim is properly dismissed as Plaintiff is not the Chapter 7 Trustee and therefore
26 lacks the standing to raise a claim under 11 U.S.C. § 548.

27 While the Plaintiff claims: "Plaintiff was in the process of obtaining an attorney
28 fees award from defending against a cross claim" the basic elements of 11 U.S.C.
§523(a)(2)(A) are nowhere to be found in the Complaint, violating the
requirements of Federal Rule of Civil Procedure 9(b), made applicable to
bankruptcy by Federal Rule of Bankruptcy Procedure 7009. The Complaint
does not identify: (1) a representation of fact by the debtor, (2) that was material, (3)
that the debtor knew at the time to be false, (4) that the debtor made with the
intention of deceiving the creditor, (5) upon which the creditor relied, (6) that the
creditor's reliance was reasonable, and (7) that damage proximately resulted from the
misrepresentation.

Plaintiff's Second Cause of Action is for Denial of Defendants' Discharge Pursuant to 11

1 U.S.C. §727(a)(2)(A)) is based on an allegation that: "Defendant engaged in an ongoing
2 scheme to avoid, delay, hinder and defraud Plaintiff and her creditors, who had obtained
3 judgments against her by concealing and transferring property, that was rightfully hers, to her
4 Alter Ego Companies to prevent her creditors from collecting on their debts. (Complaint ¶ 42).
5 The Complaint is silent as to what specific assets were transferred to Alter Ego Companies -
6 and the dates of said alleged transfers - to prevent her creditors from collecting on a judgment of
7 \$319,000.00 that didn't enter until May 2019. Ironically, of the few assets that Plaintiff does
8 define as having been sold (ie., transferred), they occurred **beyond** the one-year pre-filing period.

9 Plaintiff's Third Cause of Action is for Denial of Defendants' Discharge for False Oath
10 Pursuant to 11 U.S.C. §727(a)(3) is based on an allegation that the Defendant omitted assets in her
11 bankruptcy, and failed to disclose said assets in her 341(a) examination - yet the
12 Complaint acknowledged that the Debtor amended her bankruptcy schedules at least nine
13 times, correcting and remedying what she inadvertently omitted beforehand. The Complaint
14 cites no facts that this was more than an innocent and inadvertent oversight, and no facts were
15 cited in the Complaint that this was a knowingly and fraudulently made false oath.

16 Plaintiff's Fourth Cause of Action is for Denial of Defendants' Discharge for Failure to
17 Explain Losses Under 11 U.S.C. §727(a)(5) is based on an allegation that the Defendant failed to
18 explain any loss of assets or deficiency of assets to meet the debtor's liabilities - yet the Complaint
19 acknowledged that the Debtor amended her bankruptcy schedules nine times, correcting,
20 explaining, and remedying what she inadvertently omitted beforehand. The Complaint cites no
21 facts of any asset that remains unaccounted for - since the amendments, all were accounted
22 for and explained. And since at this point in time, it is still "before the determination of a denial of
23 discharge" Defendant has successfully explained all of her previous errors by virtue of her nine
24 amendments filed solely In Pro Per.

25 Plaintiff's Fifth Cause of Action is for Alter Ego - which is not a valid cause of action
26 under 11 U.S.C. §523(a) and/or 11 U.S.C. §727(a). It's not even a valid cause of action under
27 California law.

28 Accordingly, the task has fallen upon Defendant to bring the instant *Motion to Dismiss*, for

1 failure to state a claim upon which relief can be granted pursuant to Rule 7012 of the
2 Federal Rules of Bankruptcy Procedure, incorporating by reference, Rule 12(b)(6) of the
3 Federal Rules of Civil Procedure in order to demonstrate that Plaintiff's pleading is filled
4 with superfluous matter, alleging vague unspecified conduct, damages, and events which are so
5 remote in time as to be time-barred and allegations which are mere conclusions.

6 b. **ARGUMENT**

7 A complaint must allege sufficient factual matter, which if accepted as true would "state a
8 claim to relief that is plausible on its face." *Ashcroft v. Iqbal*, 556 U.S. 662, 129 S. Ct. 1937, 1949
9 (2009), quoting, *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007). A claim is facially
10 plausible when a court can draw a reasonable inference that the defendant is liable for misconduct.
11 Id. The complaint must state a claim for relief that is plausible in order to survive a motion to
12 dismiss. *Ashcroft v. Iqbal*, 129 S. Ct. at 1950. A dismissal without leave to amend should not be
13 granted unless "the complaint could not be saved by any amendment." *Polich v. Burlington*
14 *Northern, Inc.*, 942 F.2d 1467, 1472 (9th Cir. 1991) (citation omitted).

15 Federal Rules of Civil Procedure, Rule 12(b)(6) provides, in pertinent part:

16 Every defense, in law or fact, to a claim for relief in any pleading, whether a claim,
17 counterclaim, cross-claim, or third-party claim, shall be asserted in the responsive
18 pleading thereto if one is required, except that the following defenses may at the option
19 of the pleader be made by motion: ... (6) failure to state a claim upon which relief
20 can be granted

21 Courts have increasingly recognized that under appropriate circumstances these motions are
22 useful and even necessary tools for disposing of insupportable claims. Thus, while the Court, in
23 deciding a motion to dismiss, must accept as true all material allegations of a complaint and
24 construe them in the light most favorable to the plaintiff. *N.L. Industries, Inc. v. Kaplan*, 792 F.2d 896,
25 898 (9th Cir. 1986). "To survive a motion to dismiss, a complaint must contain sufficient
26 factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v.*
27 *Iqbal*, 129 S.Ct. 1937, 1949 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570
28 (2007)). "A claim has facial plausibility when the plaintiff pleads factual content that allows the court
to draw the reasonable inference that the defendant is liable for the misconduct alleged." (*Ibid.*) In
other words, the relevant

1 question for purposes of a motion to dismiss for failure to state a claim is “whether, assuming the
2 factual allegations are true, the plaintiff has stated a ground for relief that is plausible.” *Ashcroft*,
3 *supra*, 129 S.Ct. at 1959. However, the Court need not accept conclusory allegations, unwarranted
4 deductions or unreasonable inferences. *Western Mining Council v. Watt*, 643 F.2d 618, 624 (9th
5 Cir. 1981), *cert. denied*, 454 U.S. 1031, 102 S.Ct. 567, 70 L.Ed. 2d 474 (1981). Nor need a court
6 assume that Plaintiff can prove facts different from those it has alleged. *Associated Gen. Contractors*
7 *of Calif. v. California State Council of Carpenters* 459 U.S. 519, 526 (1983). As one court has put
8 it, courts need not “swallow the plaintiff’s invective hook, line, and sinker; bald assertions,
9 unsupportable conclusions, periphrastic circumlocutions, and the like need not be credited.” *Aulson v.*
10 *Blanchard* 83 F.3d 1, 3 (1st Cir. 1996).

11 Federal Rule of Civil Procedure 12(b)(6), made applicable to bankruptcy by Federal Rule of
12 Bankruptcy Procedure 7012, is similar to the common law general demurrer in that it tests the legal
13 sufficiency of the claim or claims stated in the Plaintiff’s unsigned complaint Doc 1 and First
14 Amended Complaint Doc 6, without leave of court to amend. A court must decide whether the facts
15 alleged, if true, would entitle the plaintiff to some form of legal remedy. *Conley v Gibson*, 355 U.S.
16 41, 45-46, 78 S.Ct. 99, 102 (1957); *De La Cruz v Tormey* 582 F.2d 45, 48 (9th Cir. 1978).

17 Therefore, a Rule 12(b)(6) dismissal motion is proper where there is an absence of
18 sufficient facts alleged under a cognizable legal theory. *Balistreri v. Pacifica Police Dept*, 901 F.2d
19 696, 699 (9th Cir. 1990); *Graehling v. Village of Lombard, III*, 58 F.3d 295, 297 (7th Cir. 1995). If
20 a critical threshold element is missing from the Plaintiff’s Complaint, a motion to dismiss under
21 Rule 12(b)(6) must be granted. This is precisely the problem with Plaintiff’s Unsigned Complaint
22 and First Amended Complaint - alleged facts are not stated with the requisite specificity.

23 i. **PLAINTIFF’S COMPLAINT IS PROPERLY DISMISSED PURSUANT**
24 **TO F.R.C.P. §§9(B), 12(B)(6) AND F.R.B.P. §§7009, 7012**

25 (1) **PLAINTIFF’S 2nd CAUSE OF ACTION FOR FRAUD UNDER**
26 **11 U.S.C. §523(A)(2)(A) IS PROPERLY DISMISSED**

27 The holding in *In re Rubin*, 875 F.2d 755, 759 (9th Cir., 1989) provides:

28 The elements of a claim for fraudulent misrepresentation under section 523(a)(2)(A)

1 are: (1) a representation of fact by the debtor, (2) that was material, (3) that the debtor
2 knew at the time to be false, (4) that the debtor made with the intention of deceiving
3 the creditor, (5) upon which the creditor relied, (6) that the creditor's reliance was
4 reasonable, and (7) that damage proximately resulted from the misrepresentation.

5 To support a 11 U.S.C. §523(a)(2)(A) action, Plaintiff must establish that Defendant made
6 a false representation with respect to existing and ascertainable facts. *In re Fravel*, 143 Bankr. 1001
7 (Bankr. E.D.Va.1992); *In re Schwartz & Meyers*, 130 Bankr. 416 (Bankr. S.D.N.Y.1991).

8 Section 523(a)(2)(A) of the Bankruptcy Code provides in pertinent part that "A discharge
9 under this title does not discharge an individual debtor from any debt or money, property, services,
10 or an extension, renewal or refinancing of credit to the extent obtained by false pretenses, or false
11 representation, or actual fraud, other than a statement respecting the debtor's or an insider's financial
12 condition." A claim under this "fraud" exception requires that the claim satisfy the heightened
13 pleading requirements for fraud pursuant to Fed. R. Civ. P. 9(b). See *In re Jacobs*, 403 B.R. 565, 574
14 (Bankr. N.D. Ill. 2009)(citations omitted), as well as *In re Kanaley*, 241 B.R. 795, 803 (Bankr.
15 S.D.N.Y. 1991).

16 Federal Rule of Civil Procedure Rule 9(b) and Federal Rule of Bankruptcy Procedure 7009
17 states "In alleging fraud, a party must state with particularity the circumstances constituting fraud or
18 mistake. Malice, intent, knowledge, and other conditions of a person's mind may be alleged generally."
19 While intent or knowledge may be averred generally, however, the plaintiff must still plead the events
20 claimed to give rise to an inference of intent or knowledge *Devaney v. Chester*, 813 F.2d 566, 568 (2d
21 Cir. 1987), which may be accomplished by pleading facts consistent with certain well established
22 "badges of fraud." *In re Sharp Int'l Corp.*, 403 F.3d 43, 56 (2d Cir. 2004). In addition to providing a
23 defendant with fair notice of the claim, Rule 9(b) serves the purpose of protecting a defendant from
24 harm to his or her reputation or good-will by unfounded allegations of fraud, and by reducing the
25 number of strike suits. *In re Actrade Financial Technologies Ltd.*, 337 B.R. 791, 801 (Bankr.
26 S.D.N.Y. 2005).

27 Those three terms, as used in section 523(a)(2)(A), embody different concepts in Congress'
28 use of the disjunctive, or evidence an intent to deny a discharge under any such term." The term "false
pretenses" is defined as conscious, deceptive or misleading conduct, calculated to obtain or deprive

1 another of property. It includes an implied misrepresentation or conduct intended to create a false
2 impression. The term "false representation" requires that the plaintiff present proof that the defendant
3 (1) made a false or misleading statement, (2) with the intent to deceive, and (3) to cause the plaintiff
4 to turn over money or property to the defendant. The term "actual fraud" requires proof of the five
5 fingers of fraud, or five elements of fraud, which are (1) a misrepresentation, (2) fraudulent intent or
6 scienter, (3) intent to induce reliance, (4) justifiable reliance, and (5) damage. A reckless
7 representation or silence regarding a material fact may in some cases constitute the requisite falsity,
8 and in certain cases a causal link, as opposed to actual reliance, may establish the creditor's injury.
9 Although the statute could conceivably be read as providing that one's debt may not be subject to the
10 discharge if one merely benefits from someone else's fraud, in keeping with the Congressional purpose
11 behind section 523 that is not the approach taken by the courts. The case law requires fraudulent
12 conduct, false pretenses, or false representations on the part of the particular debtor in question, either
13 directly or by imputation.

14 Nothing in the Plaintiffs' complaint would satisfy Federal Rule of Civil Procedure Rule 8 and
15 Federal Rule of Bankruptcy Procedure 7008, let alone FRCP 9(b), as to whether a claim has been
16 alleged under Bankruptcy Code section 523(a)(2)(A) for fraud, false pretenses or
17 misrepresentation. The (Complaint ¶ 52) laments: "Debtor engaged in a fraudulent scheme to
18 place her most substantial asset, the condominium located at 4476 Alderport, Unit 53, out of reach
19 of Plaintiff, who, as an individual Board Member, was in the process of obtaining an attorney's fees
20 award in excess of \$40,000.00 for successfully defending Debtor's civil cross claims" but clearly
21 no misrepresentation by Defendant has been alleged here, or any intent on her part to induce
22 reliance thereon. It not only does not plead sufficient "badges of fraud" as to Defendant, it also
23 does not plead any facts, as opposed to conclusions, describing her fraud. Without more, therefore,
24 the complaint's claim under section 523(a)(2)(A) of the Bankruptcy Code is properly dismissed.

25 Further, Plaintiff's Second Cause of Action for Money Obtained by False Pretenses and
26 Actual Fraud Pursuant to 11 U.S.C. §523(a)(2)(A) is based on an allegation that Defendant, in her
27 operation of her various businesses including JP and JSC, operated these business as her alter ego
28 since October 18, 2018, (the "Alter Ego Companies") in an effort to shield herself from personal
liability while at the same time using funds of these business for personal purpose.(Complaint ¶ 57).

1 This claim is properly dismissed as Plaintiff is not the Chapter 7 Trustee and therefore lacks the
2 standing to raise a claim under 11 U.S.C. § 548.

3 11 U.S.C. § 548 gives the “trustee the ability to avoid any transfer of interest of the debtor
4 in property, or any obligation incurred by the debtor that was made or incurred within one year
5 before the date of the filing of the petition”. “A trustee may set aside a transfer of an interest of the
6 debtor if the debtor made the transfer ...”*In re Cohen*, 300 F.3d 1097 (9th Cir. 2002). The court
7 continued “A trustee's right to recover differs dramatically depending on which section is
8 applicable” See also *Schafer v. Las Vegas Hilton Corp. (In re Video Depot)*, 127 F.3d 1195,
9 1197-98 (9th Cir. 1997). “Section 548(a)(2) of the Bankruptcy Code sets forth the avoiding powers
10 of a **bankruptcy trustee** as they relate to fraudulent transfers of a debtor's interest in
11 property.” (Emphasis added) *In re BFP*, 974 F.2d 1144 (9th Cir.1992).

12 11 U.S.C. § 544 like Section 547 also vests power in the Trustee for the benefit of the
13 estate. Like section 547 it specifically states rights for the trustee it clearly states “The **trustee**
14 shall have... the rights and powers of avoidance of any transfer of property of the debtor or any
15 obligation incurred by the debtor...” (Emphasis added).

16 “Section 544 of the Bankruptcy Code, the "strong-arm clause," grants a trustee in
17 bankruptcy "the rights and powers of a hypothetical creditor who obtained a judicial lien on all of
18 the property in the estate at the date the petition in bankruptcy was filed." *In re Commercial W.*
19 *Fin. Corp.*, 761 F.2d 1329, 1331 n.2 (9th Cir. 1985) (citing 11 U.S.C.§ 544(a)(1)). "One of
20 these powers is the ability to take priority over, or `avoid' security interests that are unperfected
21 under applicable state law" Id. Avoiding such interests relegates them to the status of a
22 general unsecured claim. See 5 *Collier on Bankruptcy* ¶¶ 544.02, 544.05 (Lawrence P. King ed.,
23 15th ed. rev. 2000).*Neilson v. Chang*, 253 F.3d 520 (9th Cir. 2001).

24 F.The rule is clear, the rights which Plaintiff seeks to enforce belong solely to the trustee, they are
25 not Plaintiff's to exercise.

26 (2) **PLAINTIFF'S 3rd CAUSE OF ACTION UNDER 11 U.S.C.**
27 **§727(a)(2)(A) IS PROPERLY DISMISSED**

28 11 U.S.C. §727(a)(2)(A) - Discharge provides:

1 (a) The court shall grant the debtor a discharge, unless—
2 (2) the debtor, with intent to hinder, delay, or defraud a creditor or an officer of the
3 estate charged with custody of property under this title, has transferred, removed,
4 destroyed, mutilated, or concealed, or has permitted to be transferred, removed,
5 destroyed, mutilated, or concealed—
6 (A) property of the debtor, **within one year before the date of the filing of the petition**
7 [Emphasis added]

8 Two elements comprise an objection to discharge under 11 U.S.C. § 727(a)(2)(A): 1) a
9 disposition of property by or at the sufferance of the debtor by transfer, removal, destruction,
10 mutilation, or concealment; and 2) a subjective intent on the debtor's part to hinder, delay or defraud
11 a creditor through the act disposing of the property. Both elements must take place within 1-year of
12 the Petition Date of 7-09-2021 (the one-year pre-filing period); acts and intentions occurring before
13 this period are forgiven. *In re Lawson*, 122 F3d 1237 (CA9 1997).

14 This section is construed liberally in favor of the debtor and strictly against those objecting
15 to discharge. Before a court can refuse a discharge under 11 U.S.C. § 727(a)(2)(A), it must be shown
16 that there was an actual transfer of valuable property belonging to the debtor which reduced the
17 assets available to the creditors and which was made with fraudulent intent. *In re Garcia*, 168 B.R.
18 403 (D. Ariz. 1994).

19 Plaintiff's Third Cause of Action is for Denial of Defendants' Discharge Pursuant to 11
20 U.S.C. §727(a)(2)(A)) is based on an allegation that: "Defendant engaged in an ongoing scheme to
21 avoid, delay, hinder and defraud their creditors, including Plaintiff, who was in the process of
22 obtaining judgments against by concealing and transferring property, that was rightfully hers, to her
23 Alter Ego Companies to prevent plaintiff from collecting on debts. (Complaint ¶ 42).

24 The Complaint is silent as to what specific assets were transferred to Alter Ego Companies -
25 and the dates of said alleged transfers - to prevent the only creditor, Huntington Beach Gables
26 Homeowners Association from collecting on their September 2018, \$3070.00 judgment.

27 Ironically, of the single asset that Plaintiff does define as having been sold 4476 Alderport Unit
28 53, (ie., transferred), occurred **beyond the one-year pre-filing period** (7-9-2020 - 7-9-2021).
Complaint ¶ 24, FAC ¶35 & 36 identifies real property located at 4476 Alderport Unit 53
Huntington Beach, CA., 92649 that was sold to Mr. Nickel on October 31, 2018

real property that was sold by the Debtor on 10-31-2018 (beyond the one-year pre-filing period (7-9-2020 -7-9-202)).

Complaint ¶ 11; 24; FAC ¶13, 35, 36 identifies (1) real property (4476 Alderport Huntington Beach, CA; 92649) that was once owned by the Debtor, but is silent as to whether it was transferred within the one-year pre-filing period (7-9-2020 - 7-9-2021).

Complaint ¶ 26 identifies (1) 2014 Manufactured Home "on or about November 1, 2018, Debtor purchased the Lisa Ryan's (sic) mobile home located at 16222 Monterey Lane, Space 376," but is silent as to whether it was transferred within the one-year pre-filing period (7-9-2020 - 7-9-2021).

Chattel	Transfer Date
2014 Skyline Custom Villa Complaint ¶30 FAC ¶ 50 (Transferred for \$225,000.00, 30-yr Manufacture Financing Secured Promissory Note)	Within 2 years of the Petition Date 11/16/2018 admittedly transferred within four years.
Complaint ¶32; FAC ¶ 57 2/26/2019 "Debtor and J-Sandcastle Co LLC, became the joint owners of J-Pad"	02/26/2019 admittedly transferred within four years. 01/2/2020 admittedly transferred within
FAC ¶ 58 1/8/2020, "Robert McLelland....became the sole owner of J-Pad"	four years. 01/29/2020 admittedly transferred within
Complaint ¶34; FAC ¶1/29/20, J-Pad and Family Members of Debtor became owners of JSC.	four years.

There is no factual allegation in the Complaint of any subjective intent on the Defendants' part to hinder, delay or defraud a creditor, or any creditor, from 7-9-2020 - 7-9-2021.

Accordingly, Plaintiff's 3rd Cause of Action under 11 U.S.C. §727(a)(2)(A) is properly dismissed.

(3) PLAINTIFF'S 4th CAUSE OF ACTION UNDER 11 U.S.C.

§727(a)(4) IS PROPERLY DISMISSED

11 U.S.C. §727(a)(4)(A) - Discharge provides:

- (a) The court shall grant the debtor a discharge, unless (4) the debtor knowingly and fraudulently, in or in connection with the case—
 - (A) made a false oath or account

1 A plaintiff seeking denial of a debtor's discharge under § 727(a)(4)(A) must prove that:
2 (1) [the debtor] made a statement under oath; (2) the statement was false; (3) [the debtor] knew the
3 statement was false; (4) [the debtor] made the statement with fraudulent intent; and (5) the
4 statement related materially to the bankruptcy case. Matter of Beaubouef, 966 F.2d 174, 178 (5th
5 Cir 1992), cited in In re Spitko, 357 B.R. at 312. Accord Keeney v. Smith (In re Keeney), 227 F.3d
6 679, 685 (6th Cir. 2000); Moore v. Strickland (In re Strickland), 350 B.R. 158, 163 (Bankr. D. Del.
7 2006). See also In re Zimmerman, 320 B.R. at 806.

8 Not all omissions or errors, however, lead to denial of a discharge. A debtor that is merely
9 careless in preparing schedules and statements or in testimony in connection with a case may
10 receive a discharge absent proof of fraudulent intent. Bauman v. Post (In re Post), 347 B.R. 104,
11 112 (Bankr. M.D. Fla. 2006); Estate of Harris v. Dawley (In re Dawley), 312 B.R. 765, 785
12 (Bankr. E.D. Pa. 2004). Further, a debtor who relies on the advice of counsel who is generally aware
13 of all relevant facts also will not be found to have made a false oath. In re Topper, 229 F.2d 691, 693
14 (3d Cir. 1956) cited in In re Georges, 138 Fed. Appx. 471, 472 (3d Cir. 2005); In re Dawley, 312 B.R.
15 at 787.

16 A party objecting to discharge under § 727(a)(4)(A) must prove by a preponderance of the
17 evidence that "the false oath [was] fraudulent and material." Swicegood, 924 F.2d at 232.

18 Plaintiff's Fourth Cause of Action is for Denial of Defendants' Discharge for False
19 Oath Pursuant to 11 U.S.C. §727(a)(4)(A) is based on an allegation that the Defendant omitted
20 assets in her bankruptcy, and failed to disclose said assets in her 341(a) examination - yet
21 the Complaint acknowledged that the Debtor amended her bankruptcy schedules several
22 times, correcting and remedying what she inadvertently omitted beforehand. In In re Beaubouef,
23 966 F.2d 174, 178 (5th Cir. 1992) the Court clearly stated that an opportunity to clear up
24 inconsistencies and omissions with amended schedules may be considered in analyzing findings of
25 actual intent to defraud); Gullickson v. Brown (In re Brown), 108 F.3d 1290, 1294-95 (10th Cir.
26 1997). Here, the Defendant voluntarily amended ((9-7-2021, 9-22-2021, 10-14-2021),
27
28

her Schedules and Statement of Financial Affairs before this Complaint was ever filed (10-18-2021-bk-Doc-28) or [ap-01096-[Doc-1] and ap-01096 10-19-2021 [Doc-3] and 11-16-2021 FAC [Doc-6] before she even knew that a 727 complaint was being filed against her. The Debtor seized her own opportunities to clear up any inconsistencies or omissions with amended Schedules and Statement of Financial Affairs demonstrating that she lacked actual intent to defraud.

Under the “Relations Back” Doctrine of F.R.C.P. 15, and F.R.B.P 7015, said amendments (1)9-07-2021 [Doc-15], (2) 9-22-2021 [Doc-16], (3) 10-14-2021 [Doc-22], (4) 11-16-2021 [Doc-37], (5) 11-22-21 [Doc-38], (6) 11-23-2021 [Doc-39], (7) 12-1-21 [Doc-42], (8) 3-11-2022 [Doc-72], (9) 3-15-22 [Doc-75] relate back to the initial bankruptcy filing of 7-09-2021, and therefore verify the integrity of this Defendant to maintain the accuracy of her Petition.

The Complaint itself acknowledged the Defendant's amendments (FAC ¶ 98 calling them "knowingly signed the schedules") and how they cured and remedied what was accidentally omitted in the initial filing:

Asset Allegedly Omitted in Initial Bankruptcy	Reality	Cured By Amendment
Complaint ¶	Defendants’ Statement of Financial Affairs of 9-7-2021 [Doc 15] # 27, listed 2 LLC's: (1) J-Sandcastle Co (2) J-Pad, LLC See Complaint ¶ 25 &26	

1 2 3 4 5 6 7	FAC ¶ 103: Defendant stted she had not sold, traded.... not list any transfers under Question 18 of her SOFA regarding transfers of property in the two (2) years preceding the Petition Date	There were no transfers to record of real estate within the two (2) years preceding the Petition Date (7-9-2019 -7-9-2021). Complaint ¶ 24 FAC ¶13 identifies real property located at 4476 Alderport Huntington Beach CA 92649 that was sold by the Debtor on 10-31-2018 (beyond the one-year pre-filing period (7-9-2020 - 7-9-2021)).	
8 9 10 11 12 13			

The Complaint cites no facts that the initial errors that were corrected by amendments were nothing more than innocent and inadvertent oversights, and no facts were cited in the Complaint that they were knowingly and fraudulently made false oaths.

The Complaint is silent as to whether the alleged concealed information would have or could have revealed assets available for creditors, especially if the assets in question were exempted . The Complaint does not allege that the Debtor made a false oath with fraudulent intent. In fact, the evidence will show if this case goes to trial that the Defendant was not adequately interrogated by her retained attorney [subsequently rescinded the retainer agreement] in the initial consultation and preparation of her schedules. Such reliance on an attorney can, with other evidence, demonstrate a lack of actual intent. *Parnes et al. v. Parnes(In re Parnes)*, 200 B.R. 710, 715(Bankr. N.D. Ga. 1996). Accordingly, Plaintiff’s 4th Cause of Action under 11 U.S.C. §727(a)(4) is properly dismissed.

1 (5) **PLAINTIFF'S 5TH CAUSE OF ACTION UNDER 11 U.S.C. §727(a)(5) IS**
2 **PROPERLY DISMISSED**

3 The elements that comprise an objection to discharge under 11 U.S.C. § 727(a)(5): the
4 debtor failed to explain satisfactorily, **before determination of denial of discharge** under this
5 paragraph, any loss of assets or deficiency of assets to meet the debtor's liabilities. [Emphasis
6 added]

7 Here, no trial has been scheduled, and Defendant explained satisfactorily, *before*
8 determination of denial of discharge any loss of assets or deficiency of assets to meet the debtor's
9 liabilities in her amendment of (1) 9-7-2021 [Doc-15], (2) 9-22-2021 [Doc-16-17], (3) 10-14-2021
10 [Doc-22], (4) 11-16-2021[Doc-37], (5) 11-22-2021 [Doc-38], (6) 11-23-2021[Doc-39], (7)
11 12-1-2021 [Doc-42], (8) 3-11-2022 [Doc-72], (9) 3-15-2022[Doc-75].

12 11 U.S.C. § 727(a)(5) does not explicitly require a creditor to call upon a debtor to explain
13 a loss of assets prior to filing an adversary proceeding. A denial of discharge under § 727(a)
14 (5) requires only that the debtor fail to explain a loss of assets “before determination of
15 denial of discharge under this paragraph.” To require a creditor to seek an explanation from
16 the debtor prior to filing an adversary hearing would add an additional and redundant layer of
17 inquiry to § 727(a)(5). Accordingly, Plaintiff’s 5th Cause of Action under 11 U.S.C. §727(a)(5) is
18 properly dismissed.

19 (5) PLAINTIFF’S ALLEGED CAUSE OF ACTION FOR ALTER EGO PROPERLY
20 DISMISSED.

21 In AHCOM, Ltd. v. Smeding,, 2010 WL 4117736, 2010 DJDAR 16125, Case No.
22 09-16020 (9th Cir. Oct. 21, 2010), the Ninth Circuit concluded, “California law does not
23 recognize an alter ego claim or cause of action that will allow a corporation and its shareholders to
24 be treated as alter egos for the purposes of all the corporation’s debts.” The Ninth Circuit overruled
25 opinions relied on a California state court case, Stodd v. Goldberger, 73 Cal. App. 3d 827 (1977),
26 for the proposition that California recognized a general alter-ego claim.
27 Accordingly, Plaintiff’s alleged Cause of Action for alter ego is properly dismissed.
28

1 **c. CONCLUSION**

2 Plaintiff has not demonstrated, nor can she state a viable claim under any cause of action
3 in her Complaint; lacking liability and filed for the purpose of harassment, unreasonable delay,
4 and to obtain an unfair advantage in the *Nickel vs, Huntington Beach Gables Homeowners*
5 *Association, et al.* state court action filed by a bona fide purchaser of the Gallian real property
6 in October 2018.

7 Particularly evident when one examines the Complaint's claims, which consists of no
8 more than the gratuitous and bare-bones boilerplate conclusions minimally invoking this
9 Court's jurisdiction. For the above reasons, Defendant prays that this Court dismiss Plaintiff's
10 Complaint with prejudice, that Plaintiff not be granted leave to amend, that Plaintiff take
11 nothing by her Complaint, and that Defendants' alleged debt to Plaintiff be discharged.
12 Further, Defendant prays that this Court issue a finding of fact that the claims brought by
13 Plaintiff are dischargeable, and that pursuant to 11 U.S.C. §524(a)(1) and (2), this discharge
14 should also serve to void any future judgment to determine the personal liability of
15 Defendant and operate as a permanent injunction against any actions whether commenced
16 pre-petition or post-petition.

17 Further, Defendant prays that this Court award Defendant costs and reasonable
18 attorney's fees in an amount which will be ascertained, pursuant to 11 U.S.C. §523(d)
19 and Federal Rule of Bankruptcy Procedure 9011.

20 According, Defendant respectfully request that the Court enter an order granting the *Motion*
21 in its entirety, and providing for such other and further relief as this Court deems just.

22 I declare under penalty of perjury the foregoing is true and correct. Signed at Huntington
23 Beach CA. County of Orange.

24
25 DATED: November 7, 2022

Respectfully submitted.

26 

27 JAMIE LYNN GALLIAN
28 Debtor and Defendant,
IN PRO PER

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
5801 Skylab Road, Huntington beach, CA 92647

A true and correct copy of the foregoing document entitled: **MOTION TO DISMISS COMPLAINT: 1. TO DETERMINE NONDISCHARGEABILITY OF DEBT PURSUANT TO 11 U.S.C. § 523(a)(2)(A); 2. FOR DENIAL OF DISCHARGE PURSUANT TO 11 U.S.C. § 727(a)(2)(A); 3. FOR DENIAL OF DISCHARGE PURSUANT TO 11 U.S.C. § 727(a)(4)(A); 4. FOR DENIAL OF DISCHARGE PURSUANT TO 11 U.S.C. § 727(a)(5); AND 5. FOR A FINDING OF ALTER EGO LIABILITY** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) 11/7/2022, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Jeffrey I Golden (TR) lwerner@wglip.com; jlg@trusteesolutions.net; kadele@wglip.com

United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on 11/7/2022 I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Judge Scott C. Clarkson
United States Bankruptcy Court
Central District of California
Ronald Reagan Federal Building and Courthouse
411 W. Fourth Street, Ste. 5060
Santa Ana, CA 92701-4593

Plaintiff Janine B. Jasso, Esq. P.O. Box 370161
Email Address: El Paso, Tx
j9_jasso@yahoo.com 79937

☐ Service information continued on attached page

November 7, 2022 Robert McLelland
Date Printed Name

Robert McLelland
Signature bobwentflying@yahoo.com

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

ADDITIONAL SERVICE INFORMATION (if needed):

1. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")

Aaron E DE Leest on behalf of Trustee Jeffrey I Golden (TR)
adeleest@DanningGill.com, danninggill@gmail.com;adeleest@ecf.inforuptcy.com

Robert P Goe on behalf of Creditor The Huntington Beach Gables Homeowners Association
kmurphy@goeforlaw.com, rgoe@goeforlaw.com;goeforecf@gmail.com

Robert P Goe on behalf of Plaintiff The Huntington Beach Gables Homeowners Association
kmurphy@goeforlaw.com, rgoe@goeforlaw.com;goeforecf@gmail.com

Jeffrey I Golden (TR) lwerne@wglp.com, jig@trustesolutions.net;kadele@wglp.com

D Edward Hays on behalf of Creditor Houser Bros. Co. dba Rancho Del Rey Mobile Home Estates
ehays@marshackhays.com,
ehays@ecf.courtdrive.com;kfrederick@ecf.courtdrive.com;cmendoza@marshackhays.com;cmendoza@ecf.courtdrive.com

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ehays@ecf.courtdrive.com;kfrederick@ecf.courtdrive.com;cmendoza@marshackhays.com;cmendoza@ecf.courtdrive.com

D Edward Hays on behalf of Plaintiff Houser Bros. Co.
ehays@marshackhays.com,
ehays@ecf.courtdrive.com;kfrederick@ecf.courtdrive.com;cmendoza@marshackhays.com;cmendoza@ecf.courtdrive.com

Brandon J Iskander on behalf of Creditor The Huntington Beach Gables Homeowners Association
biskander@goeforlaw.com, kmurphy@goeforlaw.com

Brandon J Iskander on behalf of Plaintiff The Huntington Beach Gables Homeowners Association
biskander@goeforlaw.com, kmurphy@goeforlaw.com

Eric P Israel on behalf of Trustee Jeffrey I Golden (TR)
eisrael@DanningGill.com, danninggill@gmail.com;eisrael@ecf.inforuptcy.com

Laila Masud on behalf of Interested Party Courtesy NEF
lmasud@marshackhays.com, lmasud@ecf.courtdrive.com;kfrederick@ecf.courtdrive.com

Laila Masud on behalf of Plaintiff Houser Bros. Co.
lmasud@marshackhays.com, lmasud@ecf.courtdrive.com;kfrederick@ecf.courtdrive.com

Mark A Mellor on behalf of Defendant Randall L Nickel
mail@mellorlawfirm.com, mellormr79158@notify.bestcase.com

Mark A Mellor on behalf of Interested Party Courtesy NEF mail@mellorlawfirm.com, mellormr79158@notify.bestcase.com

Valerie Smith on behalf of Interested Party Courtesy NEF claims@recoverycorp.com

United States Trustee (SA) ustpregion16.sa.ecf@usdoj.gov

1 of California.

F 9013-3.1.PROOF.SERVICE

JAMIE LYNN GALLIAN
16222 Monterey Lane Unit 376
Huntington Beach, CA 92649
(714)321-3449
jamiegallian@gmail.com

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

In re:		
	JAMIE LYNN GALLIAN	CASE NO. 8:21-bk-11710-SC
		Adv. 8:21-ap-01096-SC
	Debtor,	Chapter 7
	JANINE JASSO	DEFENDANTS' REPLY AND
		OPPOSITION TO PLAINTIFF'S
	Plaintiff,	UNTIMELY RESPONSE (ECF 91)
		TO MOTION TO DISMISS, (ECF.
	vs.	63)
	JAMIE LYNN GALLIAN	Date: January 10, 2023
		Time: 1:00 p.m.
	Defendant	Dept: 5C Via Zoom.Gov
		411 W. Fourth Street
		Santa Ana, CA 92701

**TO THE HONORABLE SCOTT C. CLARKSON, UNITES STATES
BANKRUPTCY JUDGE, PLAINTIFF, JANINE JASSO, THE OFFICE OF THE**

1 UNITED STATES TRUSTEE, THE TRUSTEE AND HIS COUNSEL, AND ALL
2 PARTIES IN INTEREST.

3 JAMIE LYNN GALLIAN hereby opposes ECF 91. Debtor has not received
4
5 Plaintiff's Opposition as declared in the Proof of Service ECF 91 at page 23 of 23.
6 Debtor downloaded ECF 91 from PACER. It appears a family member of
7
8 Plaintiff, David Jasso, completed the Proof of Service declared on 1/01/2023.

9 Notedly, F 9013-3.1. PROOF.SERVICE Section 1 states TO BE SERVED
10
11 BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF). However, no
12
13 list of persons to be served via the NEF system is attached to the pleading or Proof
14
15 of Service.

16 Second, the Chapter 7 Trustee, Jeffrey Golden was not listed, therefore not
17
18 served.

19 Third, it appears after reading Ms. Jasso's Declaration, she declares under
20
21 penalty of perjury, and as an Officer of the Court, SBN 170188, she was not served
22
23 the pleading by Robert McLelland.

24 Mr. McLelland has provided copies from his email account OC Services
25
26 (bobwentflying@yahoo.com) for the proposition Ms. Jasso was electronically
27
28 served with success on the dates stated on the f 9013-3.1Proof.Service filed with
Debtors Motion to Dismiss. ECF 63.

1 Additionally, in reviewing the Docket 8:21-ap-01096, ECF 91 appears noted
2 on the Docket with a date of January 1, 2023, (New Year's Day, a Court holiday)
3 but entered January 3, 2023.
4

5 MEMORANDUM POINTS & AUTHORITIES

6 BACKGROUND

7 On July 9, 2021, Defendant initiated the underlying bankruptcy case by
8 filing a voluntary petition for relief under Chapter 7 of the Bankruptcy Code, 11
9 U.S.C. In re JAMIE LYNN GALLIAN No. 8:21-bk-11710-SC, (ECF. 1).
10

11 On Schedule E/F to her bankruptcy petition Defendant listed Plaintiff as one
12 of six creditor(s) in addition to The Huntington Beach Gables Homeowners
13 Association all claiming some interest in the same (1) nonpriority unsecured claim
14 of \$ 46,138.00. Debtor listed Plaintiff as follows: "Janine Jasso, c/o Huntington
15 Beach Gables Homeowners Association No. 8:21-bk-11710-SC, ECF 1 at 26
16 (internal paginations, Schedule E/F at 3/11, creditor 4.6). On the same day, July 9,
17 2021, Defendant also filed a Verification of Master Mailing List of Creditors [LBR
18 1007-1(d)], certifying that the master mailing list of creditors filed in the
19 bankruptcy case was complete, correct, and consistent with the Defendant's
20 schedules. No. 8:21-bk-11710-SC, ECF 1 at 56. Debtor listed Plaintiff Janine Jasso
21 P.O. Box 370161 El Paso, TX 79937.
22

23 On July 9, 2021, the court filed and entered an Official Form 309A, "Notice
24 of Chapter 7 Bankruptcy Case — No Proof of Claim Deadline," ECF. 7 which
25 stated in bold "This notice has important information about the case for creditors,
26 debtors, and trustees, including information about the meeting of creditors and
27 deadlines. Read all pages carefully." No. 8:21-bk-11710-SC, ECF. 7 at 3/5.
28

1 The Official Form 309A, Notice of Chapter 7 Bankruptcy Case, also stated
2 that “Creditors who assert that the debtors are not entitled to a discharge of any
3 debts or who want to have a particular debt excepted from discharge may be
4 required to file a complaint in the bankruptcy clerk's office within the deadlines
5 specified in this notice, (See line 9 for more information.)[.]” Id. Line 6 of Official
6 Form 309A, Notice of Chapter 7 Bankruptcy Case, listed the address, operating
7 hours and contact phone number for the Bankruptcy Court Clerk's office with an
8 explanation that “Documents in this case may be filed at this address.” Id. at 4.
9 Line 7 of the Official Form 309A, Notice of Chapter 7 Bankruptcy Case, under the
10 heading “Meeting of Creditors,” stated the date of the meeting of creditors in bold:
11 “August 18, 2021 at 9:00 a.m.” Id. Line 9 of the Official Form 309A, Notice of
12 Chapter 7 Bankruptcy Case, under the heading “Deadlines,” stated in bold: “File
13 by the deadline to object to discharge or to challenge whether certain debts are
14 dischargeable: ... Filing deadline: 10/18/21.” Id.¹ Thus, the Official Form 309A,
15 Notice of Chapter 7 Bankruptcy Case, stated that the 11 U.S.C. § 341(a) Meeting
16 of Creditors was scheduled for August 18, 2021, and objections for discharge had
17 to be filed no later than October 18, 2021. Id. (emphasis added).

20 On July 9, 2021, the court filed and entered the Master Mailing List of
21 Creditors on the case docket, and included therein was: “Janine Jasso, c/o Gordon
22 Rees Skully & Masukhani, 633 W. 5th Street, 52nd Floor, Los Angeles, CA 90071-
23 2005; Janine Jasso P.O. Box 370161, TX 79937-0161 No. 8:21-bk-11710-SC, ECF
24 7 (listing 36 total creditors).

26 On July 11, 2021, the Bankruptcy Noticing Center filed and entered its
27 Certificate of Notice, ECF 7, attesting that the Official Form 309A, Notice of
28

1 Chapter 7 Bankruptcy Case, ECF 15, was served on all creditors, including Janine
2 Jasso. ECF 7 at 1.

3 According to the Certificate of Notice, the Bankruptcy Noticing Center served the
4 Official Form 309A, Notice of Chapter 7 Bankruptcy Case, ECF 7, on “Janine
5 Jasso, P.O. Box 370161, TX 79937-0161” and a second address
6 “Janine Jasso c/o Gordon Rees Skully & Masukhani, 633 W. 5th Street, 52nd Floor,
7 Los Angeles, CA 90071-2005 “ both by first class mail on July 11, 2021. Id.
8

9
10 On October 18, 2021, Plaintiff filed her “Complaint for Determination of
11 Dischargeability and Objecting to Debtor’s Discharge Pursuant to Sections 523
12 And 727 of the Bankruptcy Code.” ECF 1 (the “Complaint”). The face of the
13 Complaint indicated that Plaintiff was filing it as “Plaintiff, In Pro Per” Id. The
14 Complaint was filed un-signed, without an original wet signature. Plaintiff dated
15 the Complaint October 18, 2021. Id. at 14. The face of the complaint is stamped
16 FILED, Clerk U.S. Bankruptcy Court Central District of California BY: (No
17 initials were noted) by Deputy Clerk.
18

19 A Proof of Service F 901303.1.PROOF.SERVICE was attached to the
20 Complaint, Id 91. The Proof of Service contained the address of party over the age
21 of 18 and not a party to this bankruptcy case or adversary proceeding as
22 3250 Fairesta Street, La Crescenta, CA 90214.

23 Section 2 of F 9013-3.1.Proof .Service, states: On (date) 10/18/2021, I
24 served the following persons and/or entities at the last known address in this
25 bankruptcy case or adversary proceeding by placing a true and correct copy thereof
26 in a sealed envelope in the United States mail, first class, postage prepaid, and
27
28

1 addressed as follows. Listing the judge here constitutes a declaration that mailing
2 to the judge will be completed no later than 24 hours after the document is filed.
3 Hon. Erithe A. Smith United States Bankruptcy Court Central District of California
4 Ronald Reagan Federal Building 411 West Fourth Street, Suite 5040/Courtroom
5 5A, Santa Ana, CA 92701-4593.

6
7 The debtor is not listed on the Proof of Service of Document. ECF 91. Request
8 Judicial Notice. An Adversary Proceeding Cover Sheet is attached 1 of 2.
9 However, the Cover Sheet is not signed nor dated by Plaintiff, and Page 2 of the
10 Cover Sheet is not attached. Request Judicial Notice.

11 On October 19, 2021, Plaintiff filed an "Original signature page to
12 Complaint and Adv. Cover Sheet"; (Attachments: # 1 Original Signature Page to
13 Adv Cover Sheet. (Entered: 10/19/2021) ECF 3

14 The identical 10/18/2021 Proof of Service F 901303.1.PROOF.
15 SERVICE was attached to the 10/19/2021 ECF 3, Complaint, Id 91. The Proof of
16 Service contained the address of party over the age of 18 and not a party to this
17 bankruptcy case or adversary proceeding as 3250 Fairesta Street, La Crescenta, CA
18 90214.

19
20 Section 2 of F 9013-3.1.Proof.Service states: On (date) 10/18/2021, I served
21 the following persons and/or entities at the last known address in this bankruptcy
22 case or adversary proceeding by placing a true and correct copy thereof in a sealed
23 envelope in the United States mail, first class, postage prepaid, and addressed as
24 follows. Listing the judge here constitutes a declaration that mailing to the judge
25 will be completed no later than 24 hours after the document is filed.
26

Hon. Erithe A. Smith United States Bankruptcy Court Central District of California
Ronald Reagan Federal Building 411 West Fourth Street, Suite 5040/Courtroom
5A, Santa Ana, CA 92701-4593.

Again, as noted above the debtor again is not listed on the Proof of Service
of Document. ECF 3. An Adversary Proceeding Cover Sheet attached 1 of 2 filed
10/19/2021, ECF 3-1.

The “Title Page” of Plaintiff’s Adversary Complaint, ECF 1 and ECF 3,
indicate JANINE JASSO, an individual, Plaintiff v. JAMIE LYNN GALLIAN, an
individual; and DOES 1 through 100, inclusive, Defendants.

Plaintiff’s Adversary Complaint, ECF 1 and ECF 3, Title Page, indicate JANINE
JASSO, an individual, Plaintiff v. JAMIE LYNN GALLIAN, an individual; and
DOES 1 through 100, inclusive, Defendants.

The following list is as stated in ECF 1 and ECF 3:

Plaintiff First Cause of Action.....(Against JAMIE LYNN GALLIAN and DOES
1 Through 100)

Plaintiff Second Cause of Action.....(Against JAMIE LYNN GALLIAN and
DOES 1 Through 100)

Plaintiff Third Cause of Action.....(Against JAMIE LYNN GALLIAN and DOES
1 Through 100)

Plaintiff Fourth Cause of Action.....(Against JAMIE LYNN GALLIAN and
DOES 1 Through 100).

On October 26, 2021, Defendant’s Answer to Complaint. ECF 4.

On October 27, 2021, Defendant refiled her Answer to Complaint with
Affirmative Defenses. ECF 5.

1 Debtor requests the Court take judicial notice of an Officer of the Court, Janine
2 Jasso perjured statements on ECF 91, page 8, Line 6-7. “Debtor answered
3 Plaintiff’s FAC on December 10, 2021. See DK 13” “Debtor could have made a
4 timely motion to dismiss before she answered the complaint.” “Plaintiff has done
5 months of discovery for this case based on Debtor’s bankruptcy schedules prior to
6 the filing of the FAC and Debtor’s defenses listed in her DK 13 Answer, including
7 obtaining Debtor and the Defendant J-PAD, LLC (“JP LLC”) and Defendant J-
8 SANDCASTLE CO LLC (“JSC LLC”) (collectively “Defendant LLCs”) bank,
9 investment, and real property records from multiple government and private
10 companies.”
11

12 Debtor just has one question for Plaintiff...Then why if you did “months of
13 discovery for this case based on Debtor’s bankruptcy schedules prior to the filing
14 of the FAC” does the FAC not contain one Cause of Action against J-Pad LLC or
15 J-Sandcastle Co LLC????????????? And it has to be said, why would Plaintiff file
16 1691 pages. All Debtor can say again is, “A complaint with the State Bar of
17 California is forthcoming.”
18

19 On November 16, 2021, Plaintiff filed her “First Amended Complaint For
20 Determination of Dischargeability and Objecting to Debtor’s Discharge Pursuant
21 to Sections 523 And 727 of the Bankruptcy Code.” ECF 6-1 (the “FAC
22 Complaint”). The face of the Complaint indicated that Plaintiff was filing it as
23 “Plaintiff . In Pro Per” Id.
24
25
26
27
28

1 The “Title Page” Plaintiff’s First Amended Complaint, ECF 6, reads as
2 JANINE JASSO, an individual, Plaintiff

3 v.

4 JAMIE LYNN GALLIAN, an individual; J-PAD, LLC, a California Limited
5 Liability Company, J-Sandcastle Co LLC, A California Limited Liability
6 Company, and DOES 1 through 100, inclusive, Defendants.
7

8
9 Plaintiff’s First Amended Complaint ECF 6:

10 Plaintiff First Cause of Action.....(Against JAMIE LYNN GALLIAN and DOES
11 1 Through 100)

12 Plaintiff Second Cause of Action.....(Against JAMIE LYNN GALLIAN and
13 DOES 1 Through 100)

14 Plaintiff Third Cause of Action.....(Against JAMIE LYNN GALLIAN and
15 DOES 1 Through 100)

16 Plaintiff Fourth Cause of Action.....(Against JAMIE LYNN GALLIAN and
17 DOES 1 Through 100).
18

19 There are [NO] Causes of Action asserted against J-Pad, LLC or J-Sandcastle Co
20 LLC in the Operative Complaint filed without Leave of Court. ECF 6

21 On September 20, 2022. Plaintiff filed Notice of Motion and Motion
22 To Strike Answers Filed Defendants J-Pad, LLC, And J-Sandcastle Co LLC;
23 Memorandum Of Points And Authorities In Support Thereof. ECF 40
24

25 On October 25, 2022, the Court held a hearing on Ms. Jasso’s MOT to Strike
26 the Answer(s) of J-Pad, LLC and J-Sandcastle Co LLC completed and filed by
27 JAMIE LYNN GALLIAN, the Debtor
28

1 Debtor believed she was required to file an Answer. The Chapter 7 was
2 filed on behalf of Jamie Lynn Gallian. Neither J-Pad, LLC nor J-Sandcastle Co
3 LLC have filed for bankruptcy.

4 Debtor was unaware of the hearing of October 25, 2022, therefore was not in
5 attendance. More interestingly Plaintiff, Janine Jasso, the Moving party did not
6 appear at the hearing October 25, 2022. Ms. Jasso's Motion to Strike J-Pad LLC
7 and J-Sandcastle Co LLC Answer(s) was noted by the Court as [Unopposed].
8 Debtor has never been absent during any Court hearing in debtor's Chapter 7, in
9 the almost 20 months this Chapter 7 case has continued on. Debtor was in
10 complete shock after reviewing the Courts Tentative Ruling Calendar October 25,
11 2022, and realize she was absent.

13 On November 2, 2022, Order Granting (Janine Jasso) Plaintiff's Motion To
14 Strike The Answers Of Defendant's J-Pad And J-Sandcastle Co LLC And Entry of
15 Default. IT IS ORDERED: The Motion is Granted. The Answers Filed By
16 Defendant J-Pad Are Stricken From The Record (Docket 16 And 17). The
17 Answers Filed By Defendant J-Sandcastle Co LLC Are Stricken From The Record
18 (Docket Nos.)14, 15, And 18.

20 In Accordance With These Orders, The Court Further Orders The Clerk To Enter
21 The Default of Defendant, J-Pad, LLC And Enter The Default Of Defendant, J-
22 Sandcastle Co. LLC. (BNC-PDF) Related Doc 40.

23 On the Debtor's mind this evening...Plaintiff asserted [NO] Causes of
24 Action against J-Pad LLC and J-Sandcastle Co LLC in Plaintiff's First Amended
25 Complaint ECF 6, filed without obtaining leave of court; and also an FAC that
26 does not relate back to ECF 1 and/or ECF 3 and added new Defendants no less.
27
28

1 However, on November 8, 2022, Defendant filed her “Motion for Dismissal of
2 Adversarial Proceedings Filed by Plaintiff Janine Jasso against Debtor Jamie Lynn
3 Gallian.” ECF 63. According to the proof of service of the Motion, Robert
4 McLelland, served a copy of the Motion upon Janine Jasso, Esq. by Email
5 j9_jasso@yahoo.com on November 8, 2022. ECF 64.

6
7 On November 9, 2022, Notice of Motion For: Motion To Dismiss Adversary
8 Complaint: 1. Determine Dischargeability of Civil Attorney Fees Debt Separate
9 and Aside Of Fees/Fine Pursuant To Section 523(A)(7); Argument Presented In
10 Concurrent MSJ For Dismissal Of 1st Cause Of Action Section 523(a)(7); 2. To
11 Determine Nondischargeability Of Debt Pursuant To 11 U.S.C. Section
12 523(a)(2)(A); 3. For Denial Of Discharge Pursuant To 11 U.S.C. 727(a)(3); 4.
13 For Denial Of Discharge Pursuant To 11 U.S.C. 727(a)(4); 5. For Denial Of
14 Discharge Pursuant To 11 U.S.C. 727(a)(5). According to the Proof of Service of
15 the Motion, Robert McLelland, served a copy of the Motion upon Janine Jasso,
16 Esq. by Email j9_jasso@yahoo.com on November 9, 2022. ECF 68.

17
18 On December 2, 2022, the Court on its own Motion, Order Continuing
19 Hearing On Motion To Dismiss. IT IS ORDERED. The Hearing On Debtor’s
20 Motion To Dismiss Complaint filed November 8, 2022, (Docket 63) Is Hereby
21 CONTINUED TO JANUARY 10, 2023, AT 1:30 P.M. In Courtroom 5C. Any
22 Response Is Due 14 Days Prior To The Hearing. Replies are Due 7 Days Prior To
23 The Hearing. (BNC-PDF). Signed on 12/2/2022. On December 4, 2022,
24 Defendant received by email at jamiegallian@gmail.com, BNC Certificate of
25 Notice – PDF Document. (RE: related document(s) 79 Order. Immediately after
26 becoming aware of the BNC Certificate of Notice, Ms. Gallian decided to error on
27 the side of caution because of uncertainty of not knowing whether it was Debtor’s
28

1 responsibility to give Notice of the Continued Hearing on her Motion to Dismiss
2 ECF 63, attached the BNC Order ECF 79, to Notice Of Motion For: (1) Motion To
3 Dismiss Adversary Complaint (Doc 63), Filed 11/8/2022 (2) Order Filed &
4 Entered Dec. 2, 2022 Continuing Hearing On Motion To Dismiss Is Attached for
5 The Convenience Of The Court And The Parties. According to the Proof of
6 Service of the Motion, Robert McLelland, served a copy upon Janine Jasso, Esq.
7 by Email j9_jasso@yahoo.com on December 4, 2022. ECF 82, 83.

9 Plaintiff was Ordered on December 2, 2022, through the BNC Certificate of
10 Notice-PDF ECF 80, stating “Any Response is Due 14 days Prior To The Hearing”,
11 (which was December 27, 2022), and was the deadline for Plaintiff to file and
12 serve any written opposition to the Motion pursuant to Local Bankruptcy Rule
13 9013-1(f)(1). Debtor’s Reply is due 7 days prior to the hearing.

14 As reflected on the case docket for this adversary proceeding, Plaintiff did
15 not file a written opposition to the Motion by this date. Debtor has not had the
16 appropriate time to respond to a myriad of excuses Plaintiff presents belied by the
17 fact Plaintiff filed 5 Documents, (ECF 89, ECF 90, ECF 91, ECF 94, ECF 95
18 consisting of 1,691 pages.

19 Plaintiff self-reported and admitted in her Response ECF 91, page 4, Line
20 19-20, to having knowledge of Debtor’s Motion to Dismiss in early December and
21 admitted to receiving BNC Certificate of Notice – PDF (mailed to the address in
22 the Master Listing, 7/11/2021, BNC Certificate of Notice, ECF 7, Plaintiff’s P.O.
23 Box).

24 “I received something from the court [sic] in December, which did not
25 include any pleadings attached, regarding the Court calendaring Debtor’s
26 motion.....” ECF 91 page 4 at Line 19-20,
27
28

1 Additionally, on December 4, 2022, Debtor prepared a corrected Notice of
2 Hearing with the new date 1/10/23. Mr. Robert McLelland electronically served
3 Plaintiff, Janine Jasso j9_jasso@yahoo.com on December 5, 2022. ECF 82
4
5 Federal Rule of Bankruptcy Procedure 4007(c) provides that a complaint to
6 determine dischargeability of debt under 11 U.S.C. § 523(a) “shall be filed no later
7 than 60 days after the first date set for the meeting of creditors under [11 U.S.C.] §
8 341(a) ... On motion of a party in interest, after hearing on notice, the court may for
9 cause extend the time fixed under this subdivision. The motion shall be filed before
10 the time has expired.” Since the first date set for the meeting of creditors under 11
11 U.S.C. § 341(a) as stated in the Official Form 309A, Notice of Chapter 7
12 Bankruptcy Case, was August 18, 2021, and the Official Form 309A, Notice of
13 Chapter 7 Bankruptcy Case was served on all creditors, including Plaintiff, the 60-
14 day deadline to challenge whether certain debts are dischargeable was October 18,
15 2022. ECF 7 See, Federal Rule of Bankruptcy Procedure 4007(c). This filing
16 deadline, October 18, 2021, was also expressly stated in the Official Form 309A,
17 Notice of Chapter 7 Bankruptcy Case. ECF 7. Plaintiff did not file the Complaint
18 until October 19, 2021, which was after the deadline without an extension.
19 “[W]hen a creditor seeks to extend the 60-day window to file a nondischargeability
20 complaint, the creditor must file a motion before the deadline passes and show
21 cause why the extension is necessary.” Willms v. Sanderson, 723 F.3d 1094, 1100
22 (9th Cir. 2013) (citing Federal Rule of Bankruptcy Procedure 9006(b)(3) and
23 noting that the deadline for filing a nondischargeability complaint may be extended
24 only to the extent and under the conditions stated in Federal Rule of Bankruptcy
25 Procedure 4007(c)). The Federal Rules of Bankruptcy Procedure “afford [a

1 bankruptcy court] no discretion to extend retroactively the deadline set in [Federal
2 Rule of Bankruptcy Procedure] 4007(c) for filing nondischargeability complaints.”
3 Anwar v. Johnson, 720 F.3d 1183, 1185-1186 (9th Cir. 2013) (an attorney's
4 computer problems did not excuse his late filing of two dischargeability complaints
5 by 26 and 38 minutes).

6 Therefore, under the Federal Rules of Bankruptcy Procedure, Plaintiff was
7 required to either file a nondischargeability complaint or a motion to extend the
8 deadline to file such a complaint, for cause, within 60 days of the 11 U.S.C. §
9 341(a) meeting of creditors, i.e. by October 18, 2021. Plaintiff did not file the
10 Complaint or a motion to extend the deadline by October 18, 2021, and therefore,
11 the Complaint is time-barred.

12 In Willms v. Sanderson, the Ninth Circuit stated that “Ninth Circuit law strictly
13 construes Rule 4007(c) and courts cannot extend its time limit implicitly where no
14 such motion is made.” 723 F.3d at 1100 (alterations and citations omitted). The
15 strict application of Rule 4007(c) is “necessary due to the need for certainty in
16 determining which claims are and are not discharged.” *Id.* (citation omitted). The
17 Ninth Circuit has “repeatedly held that the sixty-day time limit for filing
18 nondischargeability complaints under [§ 523(a)] is strict and, without qualification,
19 cannot be extended unless a motion is made before the 60-day limit expires.”
20 Anwar v. Johnson, 720 F.3d at 1187 (citations and internal quotation marks
21 omitted).

22 The evidentiary record described herein indicates that Plaintiff was aware of the
23 deadline to file a complaint to determine dischargeability of debt that Defendant
24 owes to him because: (1) the Official Form 309A, Notice of Chapter 7 Bankruptcy
25 Case notified creditors of the filing deadline and was served on Plaintiff on July
26
27
28

1 11, 2021 as indicated by the Bankruptcy Noticing Center certificate of notice, ECF
2 7, which gave him notice of the deadline of over 90 days, more than the minimum
3 30 day notice required by Federal Rule of Bankruptcy Procedure 4007(c); (2)
4 Plaintiff was preparing to file the Complaint on the last day of the filing period
5 under Federal Rule of Bankruptcy Procedure 4007(c) on October 18, 2021,
6 however Plaintiff did not sign the complaint with a wet signature; (3) If Plaintiff
7 lives in El Paso Texas as self-reported to this Court, did Ms. Jasso, sign the
8 Complaint and file the Complaint on October 19, 2021 in the Clerk's Office; (4) In
9 Ms. Jasso's attempt to file the Complaint on time on October 18, 2021, the
10 Complaint was filed at the Clerk window without a wet signature was ineffective;
11 and (5) Ms. Jasso's last attempt to file the Complaint on October 19, 2021 was
12 effective, but beyond the sixty-day filing deadline.
13

14 None of these facts can be disputed by Plaintiff.

15 Ms. Jasso's attempt to file the Complaint with the Bankruptcy Clerk window on
16 time was ineffective because an unsigned complaint without a wet signature is not
17 a proper filing a complaint. Under Federal Rule of Bankruptcy Procedure 5005(a),
18 complaints and other papers required to be filed under the Federal Rules of
19 Bankruptcy Procedure "shall be filed with the clerk in the district where the case
20 under the [Bankruptcy] Code is pending." Because Defendant's bankruptcy case
21 was pending in the Central District of California, Plaintiff was required to file the
22 Complaint with the Clerk of the Bankruptcy Court in the Central District of
23 California. The Local Bankruptcy Rules for the Central District of California
24 mandate the electronic filing with the Clerk of "all documents submitted in any
25 case or proceeding," on the Bankruptcy Court's Case Management/Electronic Case
26 Filing ("CM/ECF") System unless the filing includes confidential court records or
27
28

1 the filing party is a pro se litigant [or] an “attorney who files documents in fewer
2 than 5 bankruptcy cases or adversary proceedings in a single calendar year[.]”

3 Local Bankruptcy Rule 5005-4 and Section 3.1 of the Court Manual for the
4 United States Bankruptcy Court, Central District of California (the “Court
5 Manual”). As stated in the Court Manual, “Case Management/Electronic Case
6 Filing (CM/ECF) is a case management system that allows [attorneys] to
7 electronically file petitions and other documents via the internet.” Court Manual, §
8 3.1(a). Generally, [only] attorneys admitted to practice in the Central District of
9 California, currently in good standing, are eligible to use the CM/ECF system and
10 file documents with the Bankruptcy Court electronically, and the attorneys must be
11 registered with CM/ECF, must have completed online training on the CM/ECF
12 system and prove competence on the system to use it and file documents with the
13 system and prove competence on the system to use it and file documents with the
14 court electronically. Court Manual, § 3.2(a), (b) and (c).
15

16
17 In this case, Plaintiff, a California Licensed Attorney in good standing,
18 eligible to file documents with the Bankruptcy Court electronically on the court's
19 CM/ECF system, although not required to file her Complaint electronically, as Ms.
20 Jasso filed the Adversary Complaint “in pro se”. However, since the inception of
21 Debtor’s Chapter 7 case, the only address ever provided [by] Ms. Janine Jasso is a
22 P.O. Box in El Paso, Texas. All complaints and pleadings in this Chapter 7 filed
23 by Plaintiff, Janine Jasso, Esq. list a P.O. Box 370161 El Paso, TX 79937.
24

25 Pursuant to Local Bankruptcy Rule 1071-1(c), “Documents filed non-
26 electronically, other than a petition, must be filed only in the divisional office of
27 the clerk to which the relevant case or proceeding has been assigned.
28

1 However, the clerk may, by special waiver or upon the order of the court,
2 accept documents in any office of the clerk irrespective of division.” Further, a
3 “document delivered for filing to the clerk will be accepted if accompanied by any
4 required fee and signature[...].” Local Bankruptcy Rule 5005-1.
5

6
7 Section 3.11 of the Court Manual is nearly identical to Local Bankruptcy
8 Rule 5005-4 and repeats the exceptions to mandatory electronic filing. Court
9 Manual, § 3.11 at 3-18 and 3-19. Moreover, the Court Manual states that if, for
10 example, the court is unable to accept electronic filings for any reason, “the option
11 of filing documents manually at the filing window always remains available and
12 should be utilized whenever it is essential that a particular document be filed by a
13 particular date.” Id., § 3.12 at 3-19. For pro se litigants, after application and
14 approval, the court provides an Electronic Drop Box (“EBD”).
15

16 The court's local rules and the Court Manual thus provide that the filing of a
17 complaint or other document with the Clerk of the Bankruptcy Court is to be done
18 electronically if the filer is required to file electronically, and if the filer [is not]
19 required to file electronically, the filer is to file the complaint or other document
20 manually at the filing window of the Clerk's Office.

21 Accordingly, Ms. Jasso’s Unsigned Complaint ECF 1, presented without a
22 wet signature, was unauthorized and ineffective, and her second filing of the
23 Complaint at the filing window, (ECF. 3) on October 19, 2021 which was
24 purportedly executed with Ms. Janine Jasso’s wet signature and effective, was late.
25

26
27 The time limit of Federal Rule of Bankruptcy Procedure 4007(c) is strictly
28 enforced and cannot be extended once the deadline has passed, which happened

1 here as the Complaint was filed late, without any request for extension of time filed
2 before the deadline.

3
4 CONCLUSION

5
6 Plaintiff's Complaint was not filed within the time period required
7 under Federal Rule of Bankruptcy Procedure 4007(c) and is therefore time-barred.


8 Defendant's respectfully request the Motion To Dismiss the Complaint and
9 the Adversary Proceeding be granted and the Complaint and the adversary
10 proceeding be dismissed with prejudice. Anwar v. Johnson, 720 F.3d at 1189
11 (affirming the bankruptcy court's dismissal of the dischargeability complaint with
12 prejudice for filing the complaint late under Federal Rule of Bankruptcy Procedure
13 4007(c)).

14
15 Debtor in addition, requests the Court to consider any other Orders fair and
16 just.

17 I declare under penalty of perjury, the foregoing to be true and correct. Signed
18 this 5th day of January, 2023, at Huntington Beach, California.

19 Dated: 1/5/2023

20 Respectfully submitted,

21 
22 JAMIE LYNN GALLIAN
23 Defendant, IN PRO PER

24 FOOTNOTES

25 [1] The form also notes that "You must file a complaint: ... if you want to have a
26 debt excepted from discharge under 11 U.S.C. § 523(a)(2), (4), or (6)." Id.

EXHIBITS

1. November 8, 2022 ECF 63
2. November 9, 2022 ECF 68
3. December 5, 2022 ECF 83

From: OC Services bobwentflying@yahoo.com
Subject: ELECTRONIC SERVICE MOTION TO DISMISS ADVERSARY COMPLAINT.
Date: November 8, 2022 at 9:21 AM
To: Janine Jasso j9_jasso@yahoo.com
Cc: OC Services bobwentflying@yahoo.com, Jamie Gallian jlgallian@icloud.com



FINAL 11.7.22
GALLIA...pdf.pdf

From: OC Services bobwentflying@yahoo.com
Subject: ELECTRONIC SERVICE MOTION TO DISMISS 12/13/2022
Date: November 9, 2022 at 12:41 PM
To: Janine Jasso j9_jasso@yahoo.com
Cc: OC Services bobwentflying@yahoo.com, Jamie Gallian jlgallian@icloud.com

05



POS 22-01096
ADV N...ISS.pdf

From: OC Services bobwentflying@yahoo.com
Subject: Electronic Service Notice of Continued Hearing DOC 63
Date: December 5, 2022 at 12:45 AM
To: Janine Jasso j9_jasso@yahoo.com
Cc: OC Courts Email Admin apps@occourts.org



NOT OF
CONTI...pdf.pdf

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
5801 SKYLAB ROAD HUNTINGTON BEACH, CA 92649

A true and correct copy of the foregoing document entitled (*specify*): DEFENDANTS' REPLY AND OPPOSITION TO PL
UNTIMELY RESPONSE (ECF 91) TO MOTION TO DISMISS (ECF 63)

will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) 01/05/2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) 01/06/2023, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

JANINE JASSO, ESQ.

EMAIL ADDRESS: J9_JASSO@YAHOO.COM

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

01/06/2023 ROBERT MCLELLAND
Date Printed Name

Robert McLelland
Signature

ADDITIONAL SERVICE INFORMATION (if needed):

1. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")

Aaron E DE Leest on behalf of Trustee Jeffrey I Golden (TR)
adeleest@DanningGill.com, danninggill@gmail.com;adeleest@ecf.inforuptcy.com

Robert P Goe on behalf of Creditor The Huntington Beach Gables Homeowners Association
kmurphy@goeforlaw.com, rgoe@goeforlaw.com;goeforecf@gmail.com

Robert P Goe on behalf of Plaintiff The Huntington Beach Gables Homeowners Association
kmurphy@goeforlaw.com, rgoe@goeforlaw.com;goeforecf@gmail.com

Jeffrey I Golden (TR) lwerne@wglp.com, jig@trustesolutions.net;kadele@wglp.com

D Edward Hays on behalf of Creditor Houser Bros. Co. dba Rancho Del Rey Mobile Home Estates
ehays@marshackhays.com,
ehays@ecf.courtdrive.com;kfrederick@ecf.courtdrive.com;cmendoza@marshackhays.com;cmendoza@ecf.courtdrive.com

D Edward Hays on behalf of Interested Party Courtesy NEF
ehays@marshackhays.com,
ehays@ecf.courtdrive.com;kfrederick@ecf.courtdrive.com;cmendoza@marshackhays.com;cmendoza@ecf.courtdrive.com

D Edward Hays on behalf of Plaintiff Houser Bros. Co.
ehays@marshackhays.com,
ehays@ecf.courtdrive.com;kfrederick@ecf.courtdrive.com;cmendoza@marshackhays.com;cmendoza@ecf.courtdrive.com

Brandon J Iskander on behalf of Creditor The Huntington Beach Gables Homeowners Association
biskander@goeforlaw.com, kmurphy@goeforlaw.com

Brandon J Iskander on behalf of Plaintiff The Huntington Beach Gables Homeowners Association
biskander@goeforlaw.com, kmurphy@goeforlaw.com

Eric P Israel on behalf of Trustee Jeffrey I Golden (TR)
eisrael@DanningGill.com, danninggill@gmail.com;eisrael@ecf.inforuptcy.com

Laila Masud on behalf of Creditor Houser Bros. Co. dba Rancho Del Rey Mobile Home Estates
lmasud@marshackhays.com, lmasud@ecf.courtdrive.com;kfrederick@ecf.courtdrive.com

Laila Masud on behalf of Interested Party Courtesy NEF
lmasud@marshackhays.com, lmasud@ecf.courtdrive.com;kfrederick@ecf.courtdrive.com

Laila Masud on behalf of Plaintiff Houser Bros. Co.
lmasud@marshackhays.com, lmasud@ecf.courtdrive.com;kfrederick@ecf.courtdrive.com

Mark A Mellor on behalf of Defendant Randall L Nickel
mail@mellorlawfirm.com, mellormr79158@notify.bestcase.com

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

Mark A Mellor on behalf of Interested Party Courtesy NEF
mail@mellorlawfirm.com, mellormr79158@notify.bestcase.com

Valerie Smith on behalf of Interested Party Courtesy NEF claims@recoverycorp.com

United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address JAMIE LYNN GALLIAN 16222 MONTEREY LANE UNIT 376 HUNTINGTON BEACH, CA 92649 (714)-321-3449 JAMIEGALLIAN@GMAIL.COM <input type="checkbox"/> Attorney for: <input checked="" type="checkbox"/> Individual appearing without attorney	FOR COURT USE ONLY
<p align="center">UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION</p>	
In re: JAMIE LYNN GALLIAN, <div align="right">Debtor(s).</div>	CASE NO.: 8:21-bk-11710-SC ADVERSARY NO.:8:21-ap-01096-SC(<i>if applicable</i>) CHAPTER: 7
JANINE JASSO, ESQ. <div align="right">Plaintiff(s) (if applicable).</div> vs. JAMIE LYNN GALLIAN <div align="right">Defendant(s) (if applicable).</div>	<p align="center">AMENDED</p> <p align="center">NOTICE OF APPEAL AND STATEMENT OF ELECTION</p>

Part 1: Identify the appellant(s)

- Name(s) of appellant(s): JAMIE LYNN GALLIAN
- Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:
 For appeals in an adversary proceeding.
☐ Plaintiff
☒ Defendant
☐ Other (*describe*):
 For appeals in a bankruptcy case and not in an adversary proceeding.
☐ Debtor
☐ Creditor
☐ Trustee
☐ Other (*describe*):

Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from: Dk. No. 84 & 85 - Order Granting Plaintiff's Motion ECF 47 and denying Defendants Motion for Summary Judgement.ECF 62, AMENDED BY ECF 75,
2. The date the judgment, order, or decree was entered: 12/21/2022

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (*attach additional pages if necessary*):

1. Party: Janine Jasso, Esq.
Attorney:
Email Address:j9_jasso@yahoo.com

P.O. Box 370161
El Paso, TX 79937
2. Party: Jamie Lynn Gallian
Attorney:
Jamie Lynn Gallian, In Pro Per - jamiegallian@gmail.com
16222 Monterey Lane, Unit 376
Huntington Beach, CA 92649
Telephone (714) 321-3449

Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

- ☒ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

Part 5: Sign below

Jamie Lynn Gallian Date: Signature of 1/4/2022
attorney for appellant(s) (or appellant(s)
if not represented by an attorney)

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

[Note to inmate filers: If you are an inmate filer in an institution and you seek the timing benefit of Fed. R. Bankr. P. 8002(c)(1), complete Director's Form 4170 (Declaration of Inmate Filing) and file that declaration along with the Notice of Appeal.]

EXHIBIT 1

Imaged Certificate of Notice Page 1 of 10

United States Bankruptcy Court

Central District of California

Jasso,

Plaintiff

Adv. Proc. No. 21-01096-SC

Gallian,

Defendant

CERTIFICATE OF NOTICE

District/off: 0973-8

User: admin

Page 1 of 2

Date Rcvd: Dec 19, 2022

Form ID: pdf031

Total Noticed: 2

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 21, 2022:

NONE

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
pla	Email/Text: j9_jasso@yahoo.com	Dec 20 2022 00:46:00	Janine Jasso, PO Box 370161, El Paso, TX 79937
dft	+ Email/PDF: jamiegallian@gmail.com	Dec 20 2022 00:46:00	Jamie Lynn Gallian, 16222 Monterey Ln #376, Huntington Beach, CA 92649-2258

TOTAL: 2

BYPASSED RECIPIENTS**The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.**

Recip ID	Bypass Reason	Name and Address
dft		J-Pad, LLC
dft		J-Sandcastle Co LLC

TOTAL: 2 Undeliverable, 0 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION**I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.****Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Dec 21, 2022

Signature: /s/Gustava Winters**CM/ECF NOTICE OF ELECTRONIC FILING****The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 19, 2022 at the address(es) listed below:**

Name	Email Address
Jeffrey I Golden (TR)	lwermer@go2.law jig@trustesolutions.net;kadele@go2.law
United States Trustee (SA)	ustpregion16.sa.ecf@usdoj.gov

Case 8:21-ap-01096-SC Doc 101 Filed 01/10/23 Entered 01/10/23 13:08:08 Desc

Case 8:21-ap-01096-SC Doc 85 Filed 12/21/22 Entered 12/21/22 21:26:44 Desc

Main Document Page 331 of 341
Imaged Certificate of Notice Page 2 of 10

District/off: 0973-8

User: admin

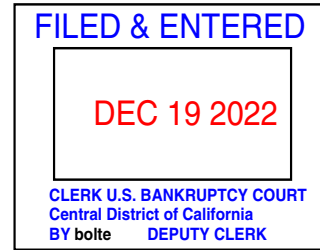
Page 2 of 2

Date Rcvd: Dec 19, 2022

Form ID: pdf031

Total Noticed: 2

TOTAL: 2



UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

In re:

Jamie Lynn Galian

Debtor(s).

Case No.: 8:21-bk-11710-SC

CHAPTER 7

Adv No: 8:21-ap-01096-SC

**ORDER GRANTING PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT [DK. 47] AND
DENYING DEFENDANT'S COMPETING
MOTION FOR SUMMARY JUDGMENT [DK.
62]**

Janine Jasso

Plaintiff(s),

v.

Jamie Lynn Galian

Defendant(s).

Date: December 13, 2022
Time: 1:30 PM
Courtroom: 5C

On December 13, 2022, the Court held a hearing on the following two matters in
this adversary: 1) Plaintiff's Motion for Summary Judgment filed September 29, 2022

[Dk. 47] (“Plaintiff’s MSJ”); and 2) Defendant’s Motion for Summary Judgment filed November 8, 2022 [Dk. 62] (“Defendant’s MSJ”) (together, the “Motions”). Appearances are as noted on the record. Having considered the Motions, related pleadings, arguments of the parties at the hearing and the docket as a whole, and for the reasons stated on the record and more fully explained below, the Court finds good cause to enter this order GRANTING Plaintiff’s MSJ and DENYING Defendant’s MSJ.

I. Background

Jamie Gallian, Debtor/ Defendant, filed a voluntary Chapter 7 petition on July 9, 2021. A few months later, on October 18, 2021, Janine Jasso, Plaintiff, initiated an adversary proceeding against Defendant, asserting multiple causes of action, including the non-dischargeability of a debt owed by Debtor to Plaintiff as part of a criminal restitution judgment pursuant to 11 U.S.C. § 523(a)(7).¹

On September 29, 2022, Plaintiff filed her Motion for Summary Judgment, and supporting documents, seeking summary adjudication on only the § 523(a)(7) cause of action [Dks. 47 - 50]. Plaintiff’s MSJ was set for hearing on November 15, 2022. On November 4, 2022, Defendant filed a Motion for Extension of Time [Dk. 58] (“Extension Motion”), seeking a continued hearing date, relief from the deadline to oppose Plaintiff’s MSJ, and advising the Court that Defendant intended to file her own dispositive motion.

On November 8, 2022, Defendant filed her competing Motion for Summary Judgment, again seeking summary adjudication on only the § 523(a)(7) cause of action [Dk. 62].² Defendant’s MSJ was set for hearing on December 13, 2022. Also, on November 8, 2022, the Court entered an order granting the Extension Motion³, and continuing the hearing on Plaintiff’s MSJ to be heard concurrently with Defendant’s MSJ

¹ On November 16, 2021, Plaintiff filed an amended complaint, which also contained multiple causes of action, including an action for non-dischargeability pursuant to 11 U.S.C. § 523(a)(7) [Dk. 6].

² The Court notes that Defendant’s MSJ is incorrectly titled “Plaintiff Jamie Lynn Gallian Motion for Summary Judgment,” despite being filed by Defendant. The docket entry is likewise confusing, as it matches the title of the filed motion, rather than the accurate description of the motion (i.e., that it is, in fact, Defendant’s Motion for Summary Judgment).

³ Plaintiff filed an Opposition to the Extension Motion, which was dated November 9, 2022 [Dk. 69].

1 on December 13, 2022. The following day, Defendant filed a request for judicial notice
2 and notice of recent decision in support of her MSJ [Dks. 70-71].

3 On November 14, 2022, Defendant filed an opposition to Plaintiff's MSJ,
4 generally repeating the same arguments contained in her own competing MSJ [Dk. 74].⁴
5 Plaintiff filed a reply on December 1, 2022 [Dk. 75].

6 **II. Discussion**

7 Both Plaintiff's MSJ and Defendant's MSJ seek a judgment in their own
8 respective favors pursuant to § 523(a)(7) regarding the debt owed by Defendant as part
9 of a criminal restitution order. Both Plaintiff and Defendant agree that there are no
10 genuine issues of material fact, and assert that they are entitled to judgment as a matter
11 of law.⁵ Having reviewed and thoroughly analyzed the law, the Court finds that Plaintiff
12 is entitled to a favorable judgment as a matter of law.

13 11 U.S. Code § 523(a)(7) states that a debtor may not discharge any debt (1) to
14 the extent such debt is for a fine, penalty, or forfeiture (2) payable to and for the benefit
15 of a governmental unit, and (3) is not compensation for actual pecuniary loss.

16 In *Kelly v. Robinson*, 479 U.S. 36 (1986), the United States Supreme Court
17 determined that § 523(a)(7) applied to state criminal restitution orders in Chapter 7
18 bankruptcy proceedings. In reaching this conclusion, the Supreme Court broadly held
19 "that § 523(a)(7) preserves from discharge **any condition a state criminal court**
20 **imposes as part of a criminal sentence.**" *Id.* at 50 (emphasis added).

21 Defendant admits that *Kelly* is controlling, but argues that it should not be
22 followed given the Ninth Circuit's decision in *In re Albert-Sheridan*, where the Ninth
23 Circuit "sought to cabin *Kelly*'s reach and refused to expand its rationale." *In re Albert-*
24 *Sheridan*, 960 F.3d 1188, 1195 (9th Cir. 2020) (citing *In re Scheer*, 819 F.3d 1206, 1210
25 (9th Cir. 2016)). Defendant argues that application of *Kelly* is similarly unwarranted in her
26

27 ⁴ Defendant filed an amended opposition on November 21, 2022 [Dk. 75].

28 ⁵ Summary judgment may be awarded where there "is no genuine dispute as to any material fact and the
movant is entitled to judgment as a matter of law." Fed. R. Civ. Proc. 56(a).

1 case and attempts to distinguish the restitution awarded against her from that awarded
2 in *Kelly*.

3 Defendant's efforts to align her case with *Albert-Sheridan* are unpersuasive.
4 Here, the criminal restitution judgment entered against Defendant was awarded
5 pursuant to California Penal Code §1202.4, subd. (f).⁶ *Albert-Sheridan* did not involve
6 criminal proceedings.

7 Moreover, this Court notes that in *O'Hara v. United States Tr. (In re O'Hara)*, 835
8 Fed Appx 253 (9th Cir. 2020), which was decided by the Ninth Circuit six months after
9 the *Albert-Sheridan* decision upon which Debtor relies was issued, the Ninth Circuit
10 again reiterated that criminal restitution judgments fall squarely within §523(a)(7),
11 stating:

12 The bankruptcy court correctly concluded that Chapman's entire claim was
13 nondischargeable. The debt arose from a criminal restitution order. That falls
14 squarely within *Kelly v. Robinson*, 479 U.S. 36, 50, 107 S. Ct. 353, 93 L. Ed. 2d 216
15 (1986), which held that § 523(a)(7) "preserves from discharge any condition a state
16 criminal court imposes as part of a criminal sentence." Seeking to sidestep this
17 holding, Mr. O'Hara notes that the debt stems from a "victim restitution order" under
California Penal Code § 1202.4(f), not a "restitution fine" under § 1202.4(b). This
court has already rejected an identical argument. See *In re Armstrong*, 677 F. App'x
434, 435-36 (9th Cir. 2017).

18 In *O'Hara*, the Ninth Circuit reaffirmed its reliance on *In re Armstrong*, 677 Fed. Appx
19 434 (9th Cir. 2017), which further explained as follows:

20 Nevertheless, *Armstrong* contends that his criminal restitution is dischargeable
21 because, unlike the state statute at issue in *Kelly*, the California penal code provides
22 for both "restitution" and a "restitution fine." Compare Cal. Penal Code § 1202.4(f)
23 ("[I]n every case in which a victim has suffered economic loss as a result of the
24 defendant's conduct, the court shall require that the defendant make restitution to
25 the victim or victims in an amount established by court order, based on the amount
26 of loss claimed by the victim or victims or any other showing to the court.") with Cal.
27 Penal Code § 1202.4(b) ("In every case where a person is convicted of a crime, the
court shall impose a separate and additional restitution fine, unless it finds
compelling and extraordinary reasons for not doing so and states those reasons on
the record."). *Armstrong* argues that the holding of *Kelly* extends only to the

28 ⁶ The criminal restitution judgment was affirmed on appeal. See, Exhibit G attached to the Request for
Judicial Notice, which is a copy of the Criminal Appellate Opinion Affirming the Criminal Restitution
Judgment [Dk. 49, Ex. G].

1 "restitution fine," and not to a restitution order issued pursuant to California Penal
2 Code § 1202.4(f).

3 This argument is squarely precluded by *Kelly*, which categorically held that criminal
4 restitution orders are nondischargeable. 479 U.S. at 49-50. The Court's holding did
5 not hinge upon the specific language or structure of the state law at issue. Rather, it
6 was based upon the desire not to interfere with state courts' "unfettered
7 administration of their criminal justice systems." *Id.* at 44. Here, Armstrong's
8 restitution order served California's penological interests and was imposed as a
9 function of the administration of that state's criminal justice system. It therefore falls
10 within the scope of *Kelly*, even though the California penal statute also provides for
11 the imposition of a separate "restitution fine." To hold otherwise "would hamper the
12 flexibility of state criminal judges in choosing the combination of imprisonment, fines,
13 and restitution most likely to further the rehabilitative and deterrent goals of state
14 criminal justice systems." *Id.* at 49.

15 *In re Armstrong*, 677 Fed. Appx 434 (9th Cir. 2017).

16 Defendant has pointed the Court to the recent case of *Jellinek v. Forlander (In re*
17 *Jellinek)*, 2022 Bankr. LEXIS 3172, at *1 (Bankr. S.D. Cal. 2022) and its holding that a
18 victim restitution debt is dischargeable; however, the Court remains unpersuaded, as:
19 (1) this Court is not bound by the *Jellinek* holding; and (2) the *Jellinek* decision relies
20 heavily on the *Albert-Sheridan and Kassas*⁷ cases which do not pertain to a victim
21 restitution debt imposed by a criminal statute. Moreover, *Jellinek* makes no reference to
22 *Armstrong*, cited above, which appears to be wholly on point. Further, there is no
23 indication that the recent *Kassas* case, which itself was based upon consideration of the
24 totality of the CSF program, was meant to overrule *Armstrong*.

25 Defendant also argues that the amount of the victim restitution order was ordered
26 in a civil proceeding⁸, and so discharge is appropriate. In support of this proposition,
27 Defendant cites to the non-Ninth Circuit case of *In re Wilson*, 299 B.R. 380, 381 (E.D.
28 Va. 2003). The *Wilson* Court held that where the criminal court order directed debtor to
pay restitution based on the amount of plaintiff's loss from Debtor's actions, which

⁷ *Kassas v. State Bar of Cal.*, 49 F.4th 1158 (9th Cir. 2022).

⁸ This Court offers no opinion on the characterization of the proceeding in which the restitution order was
awarded as, under the facts and law, as presented here, it is not material.

1 amount of restitution was ordered by a civil court and not the criminal court itself, it was
2 plainly not payable to or for the benefit of a government, falling outside of the exception.
3 *Id.* at 384.

4 However, even the *Wilson* Court acknowledged that there was a split of authority
5 on the issue with the “majority of decisions hav[ing] held that criminal restitution orders
6 payable to victims of a debtor’s criminal conduct are excepted from discharge under
7 authority of the Supreme Court’s ruling in *Kelly v. Robinson*.” *Id.* at 382.

8 The Ninth Circuit appears to take the majority view, which is opposite of *Wilson*.
9 In *Armstrong*, the Ninth Circuit noted that “the fact that the California statute provides
10 that restitution is to be based on the amount of loss claimed by the victim or victims is
11 irrelevant, for such is the nature of restitution.” *Armstrong*, 677 F. App’x at 436 (internal
12 quotations and citations omitted). Moreover, “the fact that restitution may be determined
13 by reference to the amount of harm caused by the offender does not alter its penal
14 character.” *Id.* (internal quotations and citations omitted). Accordingly, Defendant’s
15 reliance on the *Wilson* decision, a non-binding, non-Ninth Circuit decision that contains
16 holdings which directly contradict those contained in Ninth Circuit authority, is not
17 persuasive.

18 Here, the restitution order was awarded to Plaintiff against Defendant as part of a
19 criminal proceeding pursuant to California Penal Code § 1202.4.⁹ In applying
20

21 _____
22 ⁹ California Penal Code §1202.4 provides as follows, in relevant part:

23 (a) (1) It is the intent of the Legislature that a victim of crime who incurs an economic loss as a result of
the commission of a crime shall receive restitution directly from a defendant convicted of that crime.

24 (2) Upon a person being convicted of a crime in the State of California, the court shall order the
defendant to pay a fine in the form of a penalty assessment in accordance with Section 1464.

25 (3) The court, in addition to any other penalty provided or imposed under the law, shall order the
26 defendant to pay both of the following:

27 (A) A restitution fine in accordance with subdivision (b).

28 (B) Restitution to the victim or victims, if any, in accordance with subdivision (f), which shall be
enforceable as if the order were a civil judgment.

1 *Armstrong*, it matters not under what subsection the restitution order was awarded.

2 While *Armstrong* is not a published case, the Court finds great value in its factual
3 similarity, and believes it accurately reflects the Ninth Circuit's position as to the issues
4 herein. Thus, the restitution order is nondischargeable under § 523(a)(7).

5
6 (b) In every case where a person is convicted of a crime, the court shall impose a separate and additional
7 restitution fine, unless it finds compelling and extraordinary reasons for not doing so and states those
8 reasons on the record.

9 (1) The restitution fine shall be set at the discretion of the court and commensurate with the
10 seriousness of the offense. If the person is convicted of a felony, the fine shall not be less than three
11 hundred dollars (\$300) and not more than ten thousand dollars (\$10,000). If the person is convicted of
12 a misdemeanor, the fine shall not be less than one hundred fifty dollars (\$150) and not more than one
13 thousand dollars (\$1,000).

14 (2) In setting a felony restitution fine, the court may determine the amount of the fine as the product of
15 the minimum fine pursuant to paragraph (1) multiplied by the number of years of imprisonment the
16 defendant is ordered to serve, multiplied by the number of felony counts of which the defendant is
17 convicted.

18 (c) The court shall impose the restitution fine unless it finds compelling and extraordinary reasons for not
19 doing so and states those reasons on the record. A defendant's inability to pay shall not be considered a
20 compelling and extraordinary reason not to impose a restitution fine. Inability to pay may be considered
21 only in increasing the amount of the restitution fine in excess of the minimum fine pursuant to paragraph
22 (1) of subdivision (b). The court may specify that funds confiscated at the time of the defendant's arrest,
23 except for funds confiscated pursuant to Chapter 8 (commencing with Section 11469) of Division 10 of
24 the Health and Safety Code, be applied to the restitution fine if the funds are not exempt for spousal or
25 child support or subject to any other legal exemption.

26 (d) In setting the amount of the fine pursuant to subdivision (b) in excess of the minimum fine pursuant to
27 paragraph (1) of subdivision (b), the court shall consider any relevant factors, including, but not limited to,
28 the defendant's inability to pay, the seriousness and gravity of the offense and the circumstances of its
commission, any economic gain derived by the defendant as a result of the crime, the extent to which any
other person suffered losses as a result of the crime, and the number of victims involved in the crime.
Those losses may include pecuniary losses to the victim or the victim's dependents as well as intangible
losses, such as psychological harm caused by the crime. Consideration of a defendant's inability to pay
may include the defendant's future earning capacity. A defendant shall bear the burden of demonstrating
the defendant's inability to pay. Express findings by the court as to the factors bearing on the amount of
the fine shall not be required. A separate hearing for the fine shall not be required.


(e) The restitution fine shall not be subject to penalty assessments authorized in Section 1464 or Chapter
12 (commencing with Section 76000) of Title 8 of the Government Code, or the state surcharge
authorized in Section 1465.7, and shall be deposited in the Restitution Fund in the State Treasury.

(f) Except as provided in subdivisions (p) and (q), in every case in which a victim has suffered economic
loss as a result of the defendant's conduct, the court shall require that the defendant make restitution to
the victim or victims in an amount established by court order, based on the amount of loss claimed by the
victim or victims or any other showing to the court. If the amount of loss cannot be ascertained at the time
of sentencing, the restitution order shall include a provision that the amount shall be determined at the
direction of the court. The court shall order full restitution. The court may specify that funds confiscated at
the time of the defendant's arrest, except for funds confiscated pursuant to Chapter 8 (commencing with
Section 11469) of Division 10 of the Health and Safety Code, be applied to the restitution order if the
funds are not exempt for spousal or child support or subject to any other legal exemption.

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IT IS SO ORDERED.

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Scott C. Clarkson
United States Bankruptcy Judge

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 5801 SKYLAB ROAD HUNTINGTON BEACH, CA 92649

SECOND AMENDED

DEFENDANTS REQUEST FOR EXTENSION OF TIME TO FILE

A true and correct copy of the foregoing document entitled: **NOTICE OF APPEAL AND STATEMENT OF ELECTION** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **January 10, 2023**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

XX Service information continued on attached page



2. **SERVED BY UNITED STATES MAIL**: On , I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

PRESIDING JUDGE'S COPY

HONORABLE SCOTT C. CLARKSON

UNITED STATES BANKRUPTCY COURT, CENTRAL DISTRICT OF CALIFORNIA



RONALD REAGAN FEDERAL BUILDING AND COURTHOUSE

411 WEST FOURTH STREET, SUITE 5130 / COURTROOM 5C

SANTA ANA, CA 92701-4593

Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL**: Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **January 10, 2022**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

JANINE JASSO, ESQ EMAIL ADDRESS: J9_JASSO@YAHOO.COM



XX Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

January 10, 2023

Robert McLelland

Date

Printed Name



Signature

bobwentflying@yahoo.com

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** CONTINUED:

- **ATTORNEY FOR CREDITOR AND PLAINTIFF HOUSER BROS. CO.:** Bradford Barnhardt
bbarnhardt@marshackhays.com, bbarnhardt@ecf.courtdrive.com, kfrederick@ecf.courtdrive.com
- **ATTORNEY FOR TRUSTEE JEFFREY I GOLDEN (TR):** Aaron E DE Leest adeleest@DanningGill.com,
danninggill@gmail.com; adeleest@ecf.inforuptcy.com
- **ATTORNEY FOR CREDITOR AND PLAINTIFF THE HUNTINGTON BEACH GABLES HOMEOWNERS' ASSOCIATION:** Robert P Goe kmurphy@goeforlaw.com, rgoe@goeforlaw.com; goeforecf@gmail.com
- **TRUSTEE JEFFREY I GOLDEN (TR):** Jeffrey I Golden (TR) lwerner@wgllp.com, jig@trustesolutions.net;
kadele@wgllp.com
- **ATTORNEY FOR CREDITOR AND PLAINTIFF HOUSER BROS. CO. and CREDITOR HOUSER BROS. CO. DBA RANCHO DEL REY MOBILE HOME ESTATES:** D Edward Hays ehays@marshackhays.com,
ehays@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com; cmendoza@marshackhays.com;
cmendoza@ecf.courtdrive.com
- **ATTORNEY FOR CREDITOR AND PLAINTIFF THE HUNTINGTON BEACH GABLES HOMEOWNERS' ASSOCIATION:** Brandon J Iskander biskander@goeforlaw.com, kmurphy@goeforlaw.com
- **ATTORNEY FOR TRUSTEE JEFFREY I GOLDEN (TR):** Eric P Israel eisrael@DanningGill.com,
danninggill@gmail.com; eisrael@ecf.inforuptcy.com
- **ATTORNEY FOR CREDITOR AND PLAINTIFF HOUSER BROS. CO. and CREDITOR HOUSER BROS. CO. DBA RANCHO DEL REY MOBILE HOME ESTATES:** Laila Masud lmasud@marshackhays.com,
lmasud@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com
- **ATTORNEY FOR DEFENDANT RANDALL L NICKEL:** Mark A Mellor mail@mellorlawfirm.com,
mellormr79158@notify.bestcase.com
- **INTERESTED PARTY COURTESY NEF:** Valerie Smith claims@recoverycorp.com
- **U.S. TRUSTEE:** United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov

SERVICE by Email:

JANINE JASSO, ESQ.
EMAIL ADDRESS: j9_jasso@yahoo.com